

Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 11 October 2022 commencing at 7:00pm.

Attachments

Carl Cowie
Chief Executive Officer

Thursday 6 October 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Nillumbik Shire Council

 Attachments

COM.001/22 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 13 September 2022

Attachment 1 Minutes of the meeting held 13 September 2022 1

PCC.030/22 Draft Diamond Creek Community Infrastructure Strategic Plan - Exhibition feedback

Attachment 1 Draft Diamond Creek Community Infrastructure Strategic Plan - Exhibited..... 9

Attachment 2 Summary of Exhibition feedback 15

Attachment 4 Exhibition survey responses_Redacted..... 23

Attachment 6 Exhibition submissions_Redacted 63

PCC.031/22 Local Laws

Attachment 1 Nillumbik Draft General Local Law 1 83

Attachment 2 Nillumbik Draft General Local Law 1 - Procedure and Protocol Manual 133

Attachment 3 Nillumbik Live Local Plant Local 225

Attachment 4 Participate Nillumbik Completed Surveys Redacted..... 279

Attachment 5 Combined Written Submission Redacted 415

Planning and Consultation Committee Meeting

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 13 September 2022 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 16 September 2022

Distribution: Public

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au



Planning and Consultation Committee Meeting Minutes
Nillumbik Shire Council

13 September 2022

Contents		
<hr/>		
1.	Welcome by the Chair	1
2.	Acknowledgement of Country	1
3	Apologies	2
4	Disclosure of conflicts of interest	2
5.	Confirmation of Minutes	3
	Confirmation of Minutes	
	COM.001/22 Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 9 August 2022	3
6.	Officers' reports	4
	Consultation Matters	
	PCC.029/22 Response to public consultation for the Eltham Gateway project	4
7.	Supplementary and urgent business	6
8.	Confidential reports	6
9.	Close of Meeting	6

Planning and Consultation Committee Meeting Minutes

13 September 2022

Nillumbik Shire Council

**Minutes of the Planning and Consultation Committee Meeting held
Tuesday 13 September 2022. The meeting commenced at 7:00pm.**

Councillors present:

Cr Karen Egan	Bunjil Ward
Cr Natalie Duffy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Chairperson Planning Matters)
Cr Ben Ramcharan	Sugarloaf Ward (Deputy Mayor)
Cr Frances Eyre	Swipers Gully Ward (Mayor)
Cr Geoff Paine	Wingrove Ward (Chairperson Consultation Matters)

Officers in attendance:

Vince Lombardi	Acting Chief Executive Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Director Manager Governance and Communications
Rosa Zouzoulas	Director Planning and Community Safety
Nichole Johnson	Acting Director Community Services
Rowena Cairns	Open Space Project Officer
Katia Croce	Governance Lead

1. Welcome by the Chair

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson, Cr Geoff Paine.

The Mayor, Cr Frances Eyre read the following message of condolence on the passing of Queen Elizabeth II

On behalf of Council I would like to convey our deepest condolences to His Majesty King Charles III, the Royal Family and everyone in our community and beyond who are mourning the passing of Queen Elizabeth II.

Her passing marks the end of a distinguished life, devoted to service, duty, family and faith.

Most of us have lived through a time where we've known only the Queen as Monarch. Throughout her reign she showed a strong affection for Australia, visiting 16 times.

Her reign spanned a period of rapid and at times tumultuous societal and technological change but throughout, she was a constant and reassuring presence. Over this time she brought to bear all that was strong and unifying in her role and the institution she represented, while displaying an impressive capacity to recognise and respond to the necessary changes and evolution.

The combination of strength, fierce intelligence, humanity and dedication with which she imbued her reign, set a standard for all leaders and mapped a path for women in leadership.

Her dedication to duty, to serving the community and to family, are things to which we can all relate, regardless of background or philosophy and they resonate strongly with our Nillumbik community.

Planning and Consultation Committee Meeting Minutes

13 September 2022

Her passing marks the end of a long life, an historic reign and the closing of the second Elizabethan era.

Our deep respect and affection for Her Majesty will live on however.

3 Apologies

An apology has been received by Cr Richard Stockman for this meeting.

Committee Resolution

MOVED: Cr Karen Egan

SECONDED: Cr Natalie Duffy

That the apology from Cr Richard Stockman be noted.

CARRIED UNANIMOUSLY

4 Disclosure of conflicts of interest

Nil

COM.001/22 **Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 13 September 2022**
Attachment 1. **Minutes of the meeting held 13 September 2022**

Planning and Consultation Committee Minutes

13 September 2022

5. Confirmation of Minutes

COM.001/22 **Confirmation of Minutes Planning and Consultation Committee Meeting held Tuesday 9 August 2022**

Confirmation of the minutes of the Planning and Consultation Committee Meeting held on Tuesday 9 August 2022.

Committee Resolution

MOVED: **Cr Frances Eyre**

SECONDED: **Cr Karen Egan**

That the Committee (acting under delegation from Council) confirms the minutes of the Planning and Consultation Committee Meeting held on Tuesday 9 August 2022 (**Attachment 1**).

CARRIED UNANIMOUSLY

Planning and Consultation Committee Minutes

13 September 2022

6. Officers' reports

PCC.029/22 Response to public consultation for the Eltham Gateway project

Item: Consultation Matter

Distribution: Public

Manager: Hjalmar Philipp, Director Operations and Infrastructure

Summary

Council resolved on 12 July 2022 to proceed with public engagement on the Eltham Gateway concept.

This is a project to revitalise underutilised public land along Main Road Eltham, between Falkiner Street and the Diamond Creek Bridge to recreate a southern gateway to Nillumbik as part of a legacy initiative following the State Government Fitzsimons Lane Upgrade.

Major Roads Projects Victoria (MRPV) are funding the project, with contribution by Nillumbik Council.

This report summarises the community response to the public engagement, via 'Participate Nillumbik'. Information presented to the public via this portal is available on [Eltham Gateway Project | Participate Nillumbik](#).

Community feedback on a draft concept plan via Participate Nillumbik was accepted from 13 July 2022 until 7 August 2022. 146 survey responses and 18 submissions were received.

The community response clearly indicates an interest in, and support for, the project as a whole, with suggestions to reduce the 'human' impact put forward in the initial draft concept plan, in summary by reducing the area proposed as paths, minimising structured plantings, and providing more plantings of indigenous vegetation wherever possible.

Submitters have been invited to attend this meeting of the Planning and Consultation Committee (PCC) to speak to their submissions.

Following the PCC, the updated plan is expected to be presented to a Council meeting on 27 September 2022 for endorsement.

The following people addressed the Committee with respect to this item:

1. Sue Dyet on behalf Friends of the Diamond Creek (Eltham Lower Park)
2. Barry Pearce
3. Denis Johnson - Convenor - Southern gateway Renewal Group
4. Sue Ormerod on behalf of Friends of Eltham Lower Park

Committee Resolution

MOVED: Cr Frances Eyre

SECONDED: Cr Natalie Duffy

That the Committee (acting under delegation from Council):

1. Acknowledges and notes the community response to the consultation for the Eltham Gateway Project.
2. Notes that a further report with revised plan is expected to be presented to a subsequent Council meeting.

Planning and Consultation Committee Minutes

13 September 2022

6. Consultation Matters

PCC.029/22 Response to public consultation for the Eltham Gateway project

3. Requests Officers to write to all respondents to the community engagement to express Council's gratitude for their contribution.
4. Resolves that the confidential un-redacted copy of submissions to the exhibition of the public engagement for Council's Eltham Gateway Plan Project (**Attachment 7**) remains confidential on the grounds specified in the definition of confidential information in section 3(1)(f) of the *Local Government Act 2020*.

CARRIED UNANIMOUSLY

Planning and Consultation Committee Meeting Minutes

13 September 2022

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7.28pm.

Confirmed:

Cr Geoff Paine, Chairperson Consultation Matters

DIAMOND CREEK COMMUNITY INFRASTRUCTURE MASTER PLAN PROJECT - PHASE A

DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

FOR EXHIBITION



DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

WHAT IS THE COMMUNITY INFRASTRUCTURE STRATEGIC PLAN?

FOR EXHIBITION

This strategic plan illustrates the types and locations of community infrastructure identified to meet the future needs of the Diamond Creek community as well as the wider communities of the Shire that the township serves.

Linked to this plan are two options being considered for the location of a Youth Hub. These are shown on supporting plans, Youth Hub Plan Option A (page 3), and Youth Hub Plan Option B (page 4).

Facilities that are considered within each infrastructure type shown on this plan, and within the Youth Hubs, are listed on page 5. Improvements proposed to existing community infrastructure are summarised on page 6.

The strategic plan is an early step in the broader development of a master plan that, subject to funding, will further develop the proposed community infrastructure and provide long-term direction for delivery.

1 COMMUNITY HUB

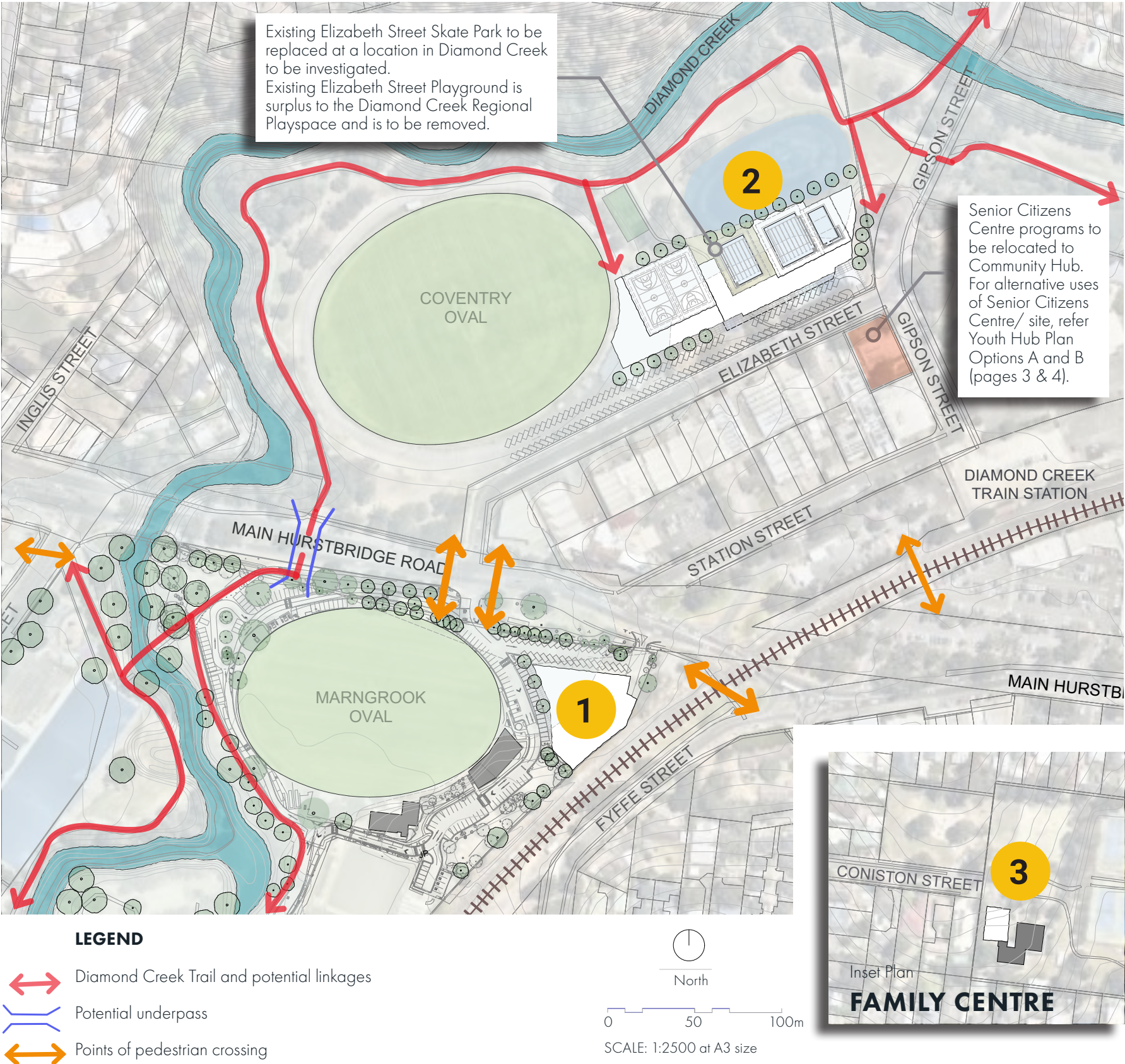
- New two-storey facility
- Library
- Neighbourhood House / Living & Learning
- Multi-purpose spaces
- Creative arts

2 AQUATIC, HEALTH & FITNESS CENTRE

- New two-storey facility
- New indoor and outdoor pools and pool facilities inclusive of clubroom
- Health and fitness on first floor
- Creche
- Two new highball courts
- Redeveloped sports oval pavilion, inclusive of clubhouse, integrated within the centre

3 CONISTON ST FAMILY CENTRE

- New Maternal and Child Health Centre at family centre



DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

YOUTH HUB PLAN OPTION A: INTEGRATED YOUTH HUB

FOR EXHIBITION

This Youth Hub Plan Option A shows one of two locations being considered for the Youth Hub in the strategic plan (page 2).

This option proposes the Youth Hub as a dedicated facility that is integrated within the proposed Community Hub.

Facilities that are considered within the Youth Hub are listed on page 5.

Refer Youth Hub Option B: Stand-alone Youth Hub (page 4) for the alternate location of the Youth Hub being considered.

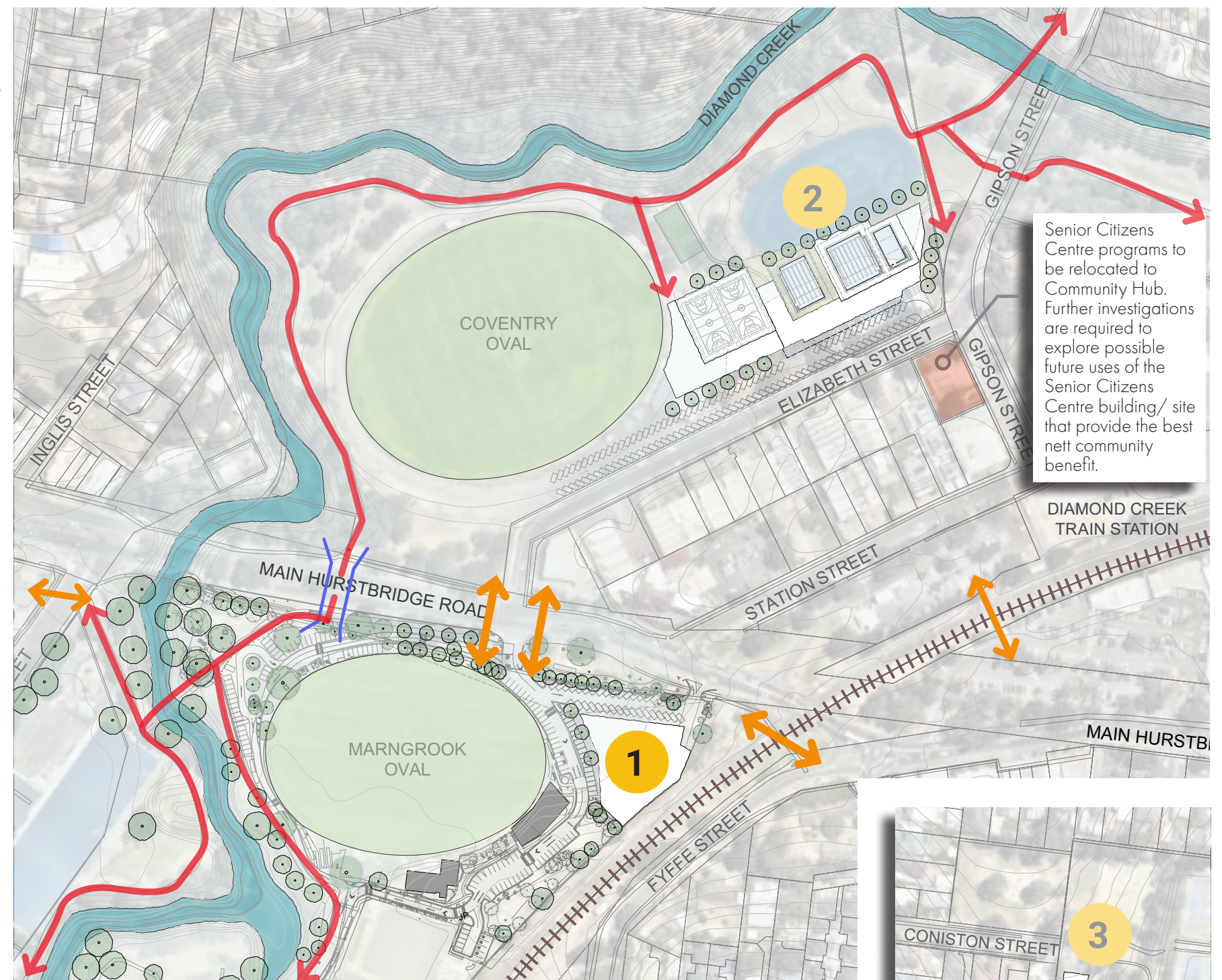
To have your say on your preferred Youth Hub plan option, please respond to the survey on Participate Nillumbik.

1 COMMUNITY HUB WITH INTEGRATED YOUTH HUB

- Youth Hub integrated within Community Hub

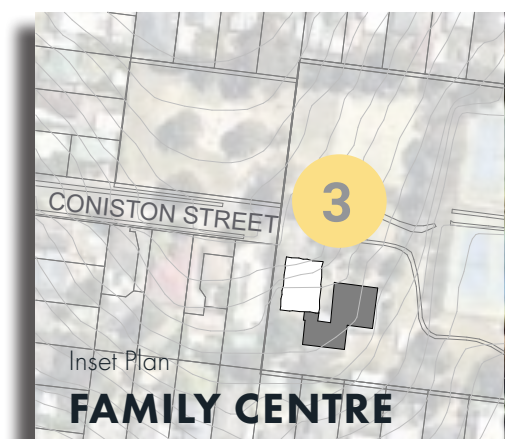
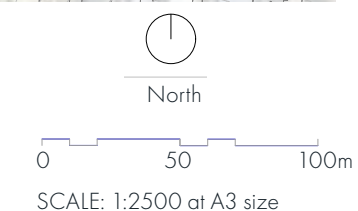
2 AQUATIC, HEALTH & FITNESS CENTRE

3 CONISTON ST FAMILY CENTRE



LEGEND

- Diamond Creek Trail and potential linkages
- Potential underpass
- Points of pedestrian crossing



DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

YOUTH HUB PLAN OPTION B: STAND-ALONE YOUTH HUB

FOR EXHIBITION

This Youth Hub Plan Option B shows one of two locations being considered for the Youth Hub in the strategic plan (page 2).

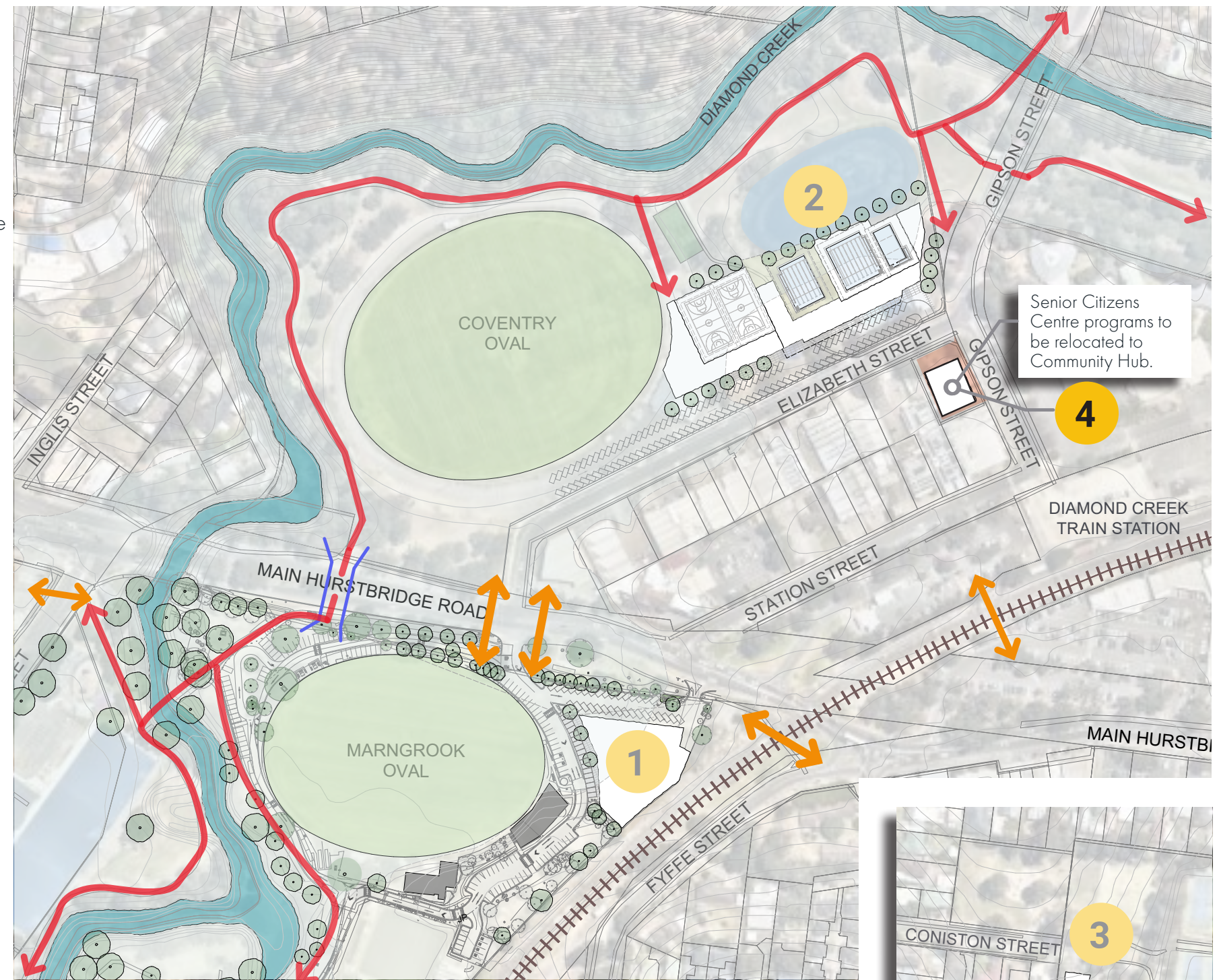
This option proposes the Youth Hub as a dedicated facility in a stand-alone location.

Facilities that are considered within the Youth Hub are listed on page 5.

Refer Youth Hub Option A: Integrated Youth Hub (page 3) for the alternate location of the Youth Hub being considered.

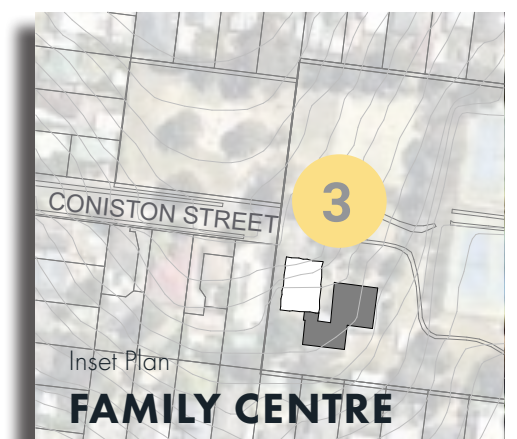
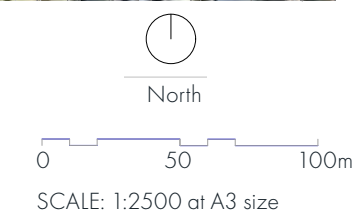
To have your say on your preferred Youth Hub plan option, please respond to the survey on Participate Nillumbik.

- 1 **COMMUNITY HUB**
- 2 **AQUATIC, HEALTH & FITNESS CENTRE**
- 3 **CONISTON ST FAMILY CENTRE**
- 4 **STAND-ALONE YOUTH HUB**
 - Single storey facility



LEGEND

- Diamond Creek Trail and potential linkages
- Potential underpass
- Points of pedestrian crossing



DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

WHAT FACILITIES ARE PROPOSED?

FOR EXHIBITION

Community infrastructure type (Numbers and labels, below, correlate to the plans, pages 2, 3 & 4)	What facilities are proposed?
1 COMMUNITY HUB	Neighbourhood House / Living & Learning Nillumbik <ul style="list-style-type: none">Welcoming reception point with lounge / cafe space with possible social enterpriseLearning spaces including dedicated art spacesMulti-purpose function and meeting spaces for a range of activities including immunisationsSupport spaces including shared kitchen, storage, public amenities, staff workspaceBusiness working spaces
	Library <ul style="list-style-type: none">Shared foyer and entry, study spaces, reading spaces, children's and youth areasMulti-purpose function and meeting spaces, co-working and other support spaces including storage, staff workspace
	Creative arts <ul style="list-style-type: none">Flexible visual arts gallery / Performance spaceRehearsal and small performance space (studio)Performer amenities and back-of-house storage and support spaces
With integrated Youth Hub (Youth Hub Plan Option A)	Youth Hub <ul style="list-style-type: none">Entry / Lounge spaceActivity spaces and consulting / meeting spaces, kitchen, storage, access to outdoor spaces
2 AQUATIC, HEALTH & FITNESS CENTRE	Aquatic <ul style="list-style-type: none">Shared entry, reception, administration and first aid spaces, support spaces including storage, pool plant areasAquatic facilities including indoor and outdoor heated 25m pools, learn-to-swim poolWet change and amenities including adult accessible change facilitySwim clubroom, party room, cafe addressing aquatic and foyer spaces
	Health and Fitness <ul style="list-style-type: none">Gymnasium and group fitness spaces with consulting suitesSupport spaces including dry change and amenities and storage
	Highball courts <ul style="list-style-type: none">Two new indoor highball courts to netball / basketball dimensions with storagePlayer and umpire change and amenities including accessible amenities
	Coventry Oval pavilion <ul style="list-style-type: none">Clubhouse / social space; canteen / kiosk with storageChange and amenities for players and umpires including accessible amenitiesGymnasium
	Creche <ul style="list-style-type: none">Creche room with junior amenities, storage and outdoor play space
3 CONISTON ST FAMILY CENTRE	Maternal and Child Health Centre <ul style="list-style-type: none">Three Maternal and Child Health nurse suitesActivity space with outdoor area, storage and amenities
4 STAND-ALONE YOUTH HUB (Youth Hub Plan Option B)	Youth Hub <ul style="list-style-type: none">As per integrated Youth Hub Plan Option A, above

DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

HOW WILL EXISTING USER GROUPS BENEFIT FROM THE PLAN?

FOR EXHIBITION

The following table highlights some of the current users of existing community infrastructure that is proposed for change in the plan, and how the plan addresses the existing and anticipated needs of the various user groups.

A summary of all proposed community infrastructure changes and facilities is provided on page 5.

Which user groups will benefit?	How does the plan improve on existing infrastructure?	Where are the proposed infrastructure improvements located? (Numbers and labels, below, correlate to the strategic plan, page 2)
Diamond Creek Neighbourhood House / Living & Learning Nillumbik	New and expanded Neighbourhood House facility provided at proposed Community Hub. Existing Neighbourhood House programs relocated to Community Hub.	1 COMMUNITY HUB
Diamond Creek Senior Citizens Centre network	New multi-purpose facilities provided at proposed Community Hub. Existing Senior Citizens Centre programs relocated to Community Hub. In Youth Hub Plan Option A, further investigations are required to explore possible future uses of the Senior Citizens Centre / site that provide the best nett community benefit. In Youth Hub Plan Option B, the stand-alone Youth Hub is located at the Senior Citizens Centre site.	1 COMMUNITY HUB
Diamond Creek Maternal and Child Health users	New and expanded Maternal and Child Health Centre provided as extension to Coniston Street Family Centre. Decommissioning of existing Maternal and Child Health Centre in Diamond Creek Community Centre (DCCC) as part of development of proposed Community Hub.	3 CONISTON STREET FAMILY CENTRE
Coventry Oval sporting clubs	New sports pavilion integrated in proposed Aquatic, Health & Fitness Centre. Existing pavilion demolished to make way for new centre.	2 AQUATIC, HEALTH & FITNESS CENTRE
Diamond Creek Outdoor Pool users	New 25m outdoor pool and expanded aquatic facilities provided as part of proposed Aquatic, Health & Fitness Centre, replacing existing 25m outdoor pool and pavilion.	2 AQUATIC, HEALTH & FITNESS CENTRE
Diamond Creek Community Centre highball court users	Development of two new indoor highball courts at proposed Aquatic, Health & Fitness Centre. Removal of existing highball court at DCCC as part of development proposed Community Hub.	2 AQUATIC, HEALTH & FITNESS CENTRE
Diamond Creek Community Centre gym users	Development of new health and fitness facilities at proposed Aquatic, Health & Fitness Centre. Removal of existing gym at DCCC as part of proposed Community Hub.	2 AQUATIC, HEALTH & FITNESS CENTRE
Diamond Creek Community Centre creche users	Creche facility at proposed Aquatic, Health & Fitness Centre.	2 AQUATIC, HEALTH & FITNESS CENTRE
Elizabeth Street Skate Park users	New skate park to replace existing Elizabeth Street Skate Park. Demolition of existing Elizabeth Street Skate Park to make way for proposed Aquatic, Health & Fitness Centre.	Location and design of new skate park in Diamond Creek to be investigated with skater community.
Elizabeth Street Playground users	Existing Elizabeth Street playground will be removed as it is surplus to the recently completed Diamond Creek Regional Playspace.	Already incorporated into the Diamond Creek Regional Playspace.

Summary of Exhibition feedback

	Exhibition feedback
1	COMMUNITY HUB
1.1	General
	Concern about noise from multi-generational users of a hub.
1.2	Library
	Large and well equipped. Spaces for children/ young people to read and study.
1.3	Social enterprise space (Community Hub café)
	Could be located in aquatic health and fitness centre to gain more foot traffic rather than being tucked behind Mangrook Oval.
1.4	Diamond Creek Senior Citizens Centre (DCSCCtr) availability
	Senior Citizens Centre should have open space for aged activities, and a library.
1.5	DCSCCtr User groups to be relocated have specific user requirements
	User groups that have identified specific user requirements include: <ul style="list-style-type: none"> • North of the Yarra Quilters • OM:NI • Diamond Creek Senior Citizens Club • Nillumbik U3A
1.6	DCSCCtr User groups request input
	Existing user groups to be relocated who have requested to be invited to participate in the further development of the plan include: <ul style="list-style-type: none"> • North of the Yarra Quilters • OM:NI • Diamond Creek Senior Citizens Club • Nillumbik U3A • Araluen
2	AQUATIC, HEALTH AND FITNESS CENTRE

2.1	General
	<p>Aquatic, health and fitness Centre configuration blocks visual and access connection to parkland from street.</p> <p>Presumed architectural allowances in aquatic, health and fitness centre will be made for floodplain.</p>
2.2	Aquatic
	<p>Nillumbik has no 50m outdoor pool, a missed opportunity as aquatic, health and fitness centre already overdeveloped for site.</p> <p>Water play for children in a warming climate.</p> <p>Include facilities to cater to hydrotherapy, aqua fitness, spas, dry and wet saunas, as per the Eltham Leisure Centre.</p>
2.3	Gym
	Size and standard improvement similar to ELC.
2.4	Highball Courts
	<p>Desperately needed.</p> <p>Additional netball/ basketball not needed and has been supported in the area over last 40 years. Social meeting groups (youth groups) meet wider demographic.</p> <p>Existing highball basketball court at DCCC should be retained as a valuable multi-purpose sports/recreation place and for active leisure pursuits for senior citizens and youth.</p> <p>Diamond Valley Basketball Association state that no indoor sports strategy exists for shire, and that the strategic plan needs assessment does not factor in participation rates; need to undertake shire indoor sport strategy that takes into account participation.</p>
	The two highball courts should also cater to volleyball as there is little provision for volleyball across the north-east suburbs and we should broaden our range of sports.
2.5	Skate Park removal/ relocation
	<p>Community left in dark – where it would go and if it will be any good.</p> <p>Unsupported, on back of Council's removal of BMX.</p> <p>Strategic plan needs to include the alternate location.</p> <p>Location needs to be equal to or better than current.</p> <p>Skate park construction company needs to be involved.</p>

3	CONISTON STREET FAMILY CENTRE (NEW MATERNAL AND CHILD HEALTH CENTER EXTENSION)
3.1	Alternative Maternal and Child Health (MCH) location in Community Hub
	<p>Accessibility of Coniston St, generally, and critically for caesarean clients unable to drive for 6-weeks post op.</p> <p>Isolation from Diamond Creek centre and parkland, and public transport.</p> <p>MCH used to be at Coniston St and was moved to current location to increase parent access.</p> <p>In the last years an increase in parents who are living in temporary accommodation, no cars and having difficulty in accessing services.</p> <p>Several “at risk” parents have declined going to Coniston St to attend Smalltalk playgroup (currently running from there) as they had no car; a few tried to walk but found the hill too hard with a pram and toddler.</p> <p>Isolation and vulnerability of nursing staff out of hours.</p> <p>Current MCH location easily accessible by public transport and more centrally located.</p> <p>Client groups get together in groups all the time and use the park, oval and walking tracks all the time.</p> <p>Maternal and Child health is often the first council service community use (apart from bins) and one of our main strengths is helping parents and often grandparents, engage with resources in their local area.</p> <p>Should be in proposed Community Hub to be:</p> <ul style="list-style-type: none"> • more centrally located, more accessible by public transport, with easy access to shops and facilities such as park and walking track, and • co-located with wide range of community services to strengthen community relations, improve early cognitive and social development in children, create greater aspirations among young people, families and the community, and effectively use community resources and infrastructure, similar to current practice in local government.
3.2	Alternative MCH site location at Coniston Street
	<p>Recommend land to east of centre, where current toilet block is, could be used instead of where proposed, providing new driveway and car park giving better access to Phipps Crescent bus service, as access to current location is limited to car.</p>
3.3	Parking
	<p>Coniston Street is a cul-de-sac with limited parking that is already inadequate to cater for kinder sessions and play groups that can have up to</p>

	<p>30 cars trying to access existing 8 on-street spaces, creating chaos and danger.</p> <p>Properties in street being subdivided adding traffic.</p> <p>Playgrounds across road tend to be busy at end of session times adding to parking demands.</p> <p>Consideration needs to be given to additional parking for proposed MCH as current parking will be inadequate.</p> <p>The Family Centre at Coniston Street should be an improvement for maternal and child health services.</p>
3.4	Kinder expansion requirements
	<p>Recent state govt. announcement to fund 30hrs 4-yr kinder (pre prep) within 10 years.</p> <p>On top of funded 15 hrs 3-yr kinder, there will need to be an expansion of available space to accommodate increased needs.</p> <p>No longer possible to operate out of a single kinder room at Coniston Street to provide service for both age groups.</p> <p>Strongly recommend including additional kinder in the strategic plan.</p> <p>Land surrounding Coniston Street facilities provides ideal opportunity to future proof this kinder service.</p>
3.5	Site features
	<p>Retain three large raised community garden beds and large eucalyptus at front of centre.</p>
4	YOUTH HUB
4.1	Support for Youth Hub Option A – Integrated
	<p>Accessibility to a range of community facilities in the one building, and to encourage intergenerational exchange and community building rather than being isolated. Reasons also noted that it would enable families to access the Community Hub and family members to do their own thing. There was mention in the reasons that the integration would increase efficiency of the building, and would also allow allocation of funds and spaces to other community facilities in the centre of the township. Using the Diamond Creek Senior Citizens Centre for more functions was also the reason for preferring the integrated model.</p>
4.2	Support for Youth Hub Option B – Stand-alone
	<p>Allowing young people to have and be comfortable in their own space, be themselves and create their own community with privacy and security without conflict with other groups or constant adult supervision. There was mention in the reasons that youth needs may not fit with senior citizens. It</p>

	was noted in the reasons that youth participation in its design will bring pride. The stand-alone youth hub was also preferred due to the site's proximity to train, bus and McDonalds. It was noted that other facilities could still be accessed from the stand-alone youth hub.
4.3	Issues: Youth Hub Option A – Integrated
	Unclear how co-location of a youth hub with Senior Citizens will work, yet support inter-generational connections and understanding.
4.2	Issues: Youth Hub Option B – Stand-alone
	Sacred Heart Catholic Primary School Diamond Creek do not support the option. They are concerned that the stand-alone youth hub opposite the school would attract additional youths in the area and increase the potential for inappropriate behaviour and activities, potentially adversely affecting Church and school property and the security of students and staff.
	Nillumbik U3A (NU3A) propose they take over management of DCSCCtr on behalf of Council and it becomes the home of NU3A and any other organisations suited (quilting group, Diamond Creek Senior Citizens Club).
	Araluen would like to have input into the use of the DCSCCtr/ site.
	Location not ideal being removed from direct access to public open space and limits ability to include outdoor social and active infrastructure (informal multi-use courts, social hang-out spaces). Could be integrated with aquatic, health and fitness centre with positive association with sports without requiring adult supervision.
	Good if the preferred Youth Hub Option B - Stand-alone youth hub and replacement skate park were in same vicinity, somehow.
5	UTILITIES
5.1	Ablution
	Adequate ablution facilities essential.
6	TRAFFIC AND PARKING
6.1	Traffic
	Level crossing removal with rail overpass is key item that needs to be addressed in Master Plan. Streets around the McDonalds and station/ football club would need to be reviewed and a better traffic management / circulation created to make this safer and suitable for fostering the likes of cafes etc. along this strip. Duplicating the single lane bridge would then also help with all of this.

	Araluen would like input on the traffic management plan especially around station street and Gipson street if Senior Citizen building becomes vacant.
6.2	Parking
	<p>Identified as major issue.</p> <p>Needs to be considered to avoid pressure and challenges for older people to find parking.</p> <p>Regional playground increased demand on top of other facilities, without community hub and aquatic, health and fitness centre.</p> <p>Coniston Street (see MCH).</p> <p>Needs a parking plan.</p>
7	ENVIRONMENT
	<p>Park first, buildings second.</p> <p>Nature, community gardens, bush habitat.</p> <p>Sustainability – net zero operations.</p> <p>Community hub integrated in to natural landscape.</p> <p>Concern about potential flooding in certain areas of the plan.</p>
8	CONNECTIONS
	<p>DCT underpass supported.</p> <p>Pedestrian rail crossing to link Diamond Creek to Wattle Glen via Diamond Creek Trail.</p> <p>Pedestrian crossing from Elizabeth Street to access community hub inadequate.</p>
9	SOCIAL ACCESSIBILITY AND AFFORDABILITY
	<p>Partners who manage facilities to ensure vulnerable populations have access to services that can make them less vulnerable.</p> <p>Future use of DCSCCtre needs to be affordable.</p> <p>Library needs to be affordable.</p> <p>Fitness centre needs to be affordable.</p>
10	PRIORITIES
	<p>Sooner rather than later.</p> <p>Library.</p> <p>2 highball courts* (also not supported).</p> <p>Coventry Oval Pavilion should be last priority as already exists.</p>

11	IMPLEMENTATION
	<p>Critical new facilities are in place before others are demolished.</p> <p>No disruption to current OM:NI meetings during construction.</p> <p>Diamond Creek Senior Citizens Club would appreciate Council support in relocating to a Community Hub, including use/ booking, storage, insurance without needing to be incorporated, equipment.</p>

THIS PAGE WAS INTENTIONALLY LEFT BLANK

Participate Nillumbik

Draft Diamond Creek Community Infrastructure Strategic Plan

Jul 11, 2022 - Aug 07, 2022

Project: Draft Diamond Creek Community Infrastructure Strategic Plan

Tool Type: Form

Activity ID: 379

Exported: Aug 08, 2022, 02:20 PM

Exported By: [REDACTED]

Response No:
1

Contribution ID: 21040

Member ID:

Date Submitted: Aug 07, 2022, 11:59 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

I am appalled at councils proposal to remove the diamond creek skatepark and treating it like its an old park bench that is in the way. How tone deaf is council?, did you learn nothing from anguish of residents when the BMX jumps were recently removed? Now there is a whole community of skatepark users who now feel in the dark about where a new skatepark will be built and if it will be any good.
The Diamond creek skatepark took over 8 years to be constructed and the council of the day was told repeatedly that building in the location it is would hinder any re developments to the pool. Hopefully it does not end up like Eltham of hurstbridge skateparks that have poor layouts and geometry.
I highly recommend council employ an actual skatepark construction company for this one.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
2

Contribution ID: 21028

Member ID: 573

Date Submitted: Aug 07, 2022, 12:04 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text To allow a better intergenerational mix

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Adequate ablution facilities should be considered as an essential

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
3

Contribution ID: 21027

Member ID:

Date Submitted: Aug 07, 2022, 09:30 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Youth more likely to engage and participate if have own dedicated and age appropriate space

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text Youth more likely to attend if have own dedicated space that is age appropriate/tailored

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Looks amazing! Hope the gym will be a similar size to the one in Eltham to accommodate the growing population in Diamond Creek. The dedicated art spaces in the new living and learning centre sound great too, the current location in the Diamond Creek neighbourhood house is not well set up for art with facilities etc, and also is not very inspiring in terms of a creative space. Also very excited about having a local library, hope this is a decent sized one with a good collection of books and spaces for children/young people to engage with books and study.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
4

Contribution ID: 21021

Member ID: 1993

Date Submitted: Aug 06, 2022, 11:46 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text The old area of Senior citizens centre can be used for more functions.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Senior citizens centre may have a open space for the old people activities as well as the Library for readers.i5

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Other: From PAAC Meeting

Response No:
5

Contribution ID: 21019

Member ID:

Date Submitted: Aug 06, 2022, 10:00 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

It seems Site 2 is going to be overdeveloped already.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Site 2 seems likely to be over-developed: going from a nearly building free site with much tree cover to a complete loss of nearly all the trees in the area and the construction of a massive footprint 2-story building.
There are no 50m pools in Nillumbik or nearby. This redevelopment is a lost opportunity to provide such a facility for the community.
An outdoor pool must not be lost in this redevelopment.
I wonder if other outdoor water play facilities (a splash park with fountains/spray jets/paddling pools) could perhaps also be provided for younger children in recognition of a changing and warming climate and leveraging the water processing facilities already present on the site?

Perhaps a development more in keeping with the Green Wedge credentials is required?

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Other: council website - why on earth isn't it on the list?

Response No:
6

Contribution ID: 21017

Member ID:

Date Submitted: Aug 05, 2022, 08:39 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

I think young people like to mix with fellow peers away from adults. It gives them privacy and security bring with their own age group.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Attachments - 30

Response No:
8

Contribution ID: 20999

Member ID:

Date Submitted: Aug 03, 2022, 06:32 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

It gives younger people the opportunity to do their own thing in a way that does not conflict with other groups.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Parking is a major issue. The Regional Playspace has increased the parking around Mamgrook Oval, adding to the need generated by the Bowling Club, the Occasional Care Centre, the Mamgrook Pavilion, the Diamond Creek Trail and the "Community Centre", even in its present form. Not to mention the proposed addition of a library, Living and Learning uses and others. So parking provision needs a thorough and creative approach in the limited area available. Similar considerations would apply to the recreational and aquatic area.
I am impressed with the general concepts. It would be good to see the Community Centre become a real community centre as it was originally intended. I look forward to following the progress towards a Master Plan between now and 2036, when I will be 103!

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
9

Contribution ID: 20975

Member ID:

Date Submitted: Aug 02, 2022, 12:06 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
10

Contribution ID: 20967

Member ID:

Date Submitted: Aug 01, 2022, 08:56 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Increased efficiency. Create a multi use building that is always able to be used.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Love the proposed new aquatic centre. Will be amazing for Diamond Creek. I would also love to see better access options for those of us living on the wattle glen side of Diamond Creek.
Not sure if there is some thing already in planning with the rail upgrades but it would be amazing to have a pedestrian crossing over the train line on this side of town. Something that will connect us to the wattle glen trail. With this my kids could ride a bike to the aquatic centre with out needed to ride along the main road and cross the busy Coles car park.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
11

Contribution ID: 20966

Member ID:

Date Submitted: Aug 01, 2022, 08:38 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Don't mind

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

More parking needed in Coniston st if Maternal health nurse is to be there. It is hard to get to the kinder when there is also a group in the shared area

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
12

Contribution ID: 20965

Member ID:

Date Submitted: Aug 01, 2022, 07:56 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

It allows for some independence

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

There needs to be a parking plan in addition to the consistan campus- my son goes to kinder here and the parking is already difficult at times to park so this needs to be included

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
13

Contribution ID: 20956

Member ID:

Date Submitted: Jul 31, 2022, 07:07 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text I believe an integrated approach to the youth hun is better as this can then allow funds/space to be allocated to other key community needs in the centre of the township. Further information on the proposal would need to be provided to review this proposal in more detail.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text The upgrades of the pool and proposed integration of an indoor pool and recreation facility is great for the area. These facilities will be used by a wide range of community groups and people in surrounding areas, given that currently people would need to travel to Greensborough or Eltham for the same facilities. Looking at combining these somewhat with the football club pavilion would be an interesting approach to be investigated.
Other key things I believe need to be addressed as part of this master plan are of course the level crossing removal - overpass is the most suitable approach - given the flood risks associated with an underpass and the opportunities that arise with elevating the rail line. The fact there are no houses in close proximity at the level crossing assist with this being a suitable approach.
The streets around the McDonalds and station/ football club would then need to be reviewed and a better traffic management / circulation created to make this safer and suitable for fostering the likes of cafes etc along this strip. Duplicating the single lane bridge would then also help with all of this.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

None of the above

Q13 How did you hear about this consultation?

Multi Choice Facebook

Response No:
14

Contribution ID: 20945

Member ID:

Date Submitted: Jul 29, 2022, 10:16 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Having worked in Community Hubs before, with MCH as part of them- they work really effectively, with families' linking into a range of community services offered, all within the same building. IT building community. Families would attend their MCH visits, visit the library, attend exercise classes there- using the occasional care on site. The community allied health service was also within the same building- it was a one stop centre for everything. Neighbouring councils are building community hubs for their growth expansion with MCH within them- noting the benefits of linking families into community services and spaces.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
15

Contribution ID: 20941

Member ID:

Date Submitted: Jul 28, 2022, 06:32 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text just like it better

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play
Other: use nllumbik

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
16

Contribution ID: 20938

Member ID:

Date Submitted: Jul 28, 2022, 01:56 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text The community will benefit and all people will be connected and learn from each other.
It becomes a more collaborative working space.
Brings a sense a community and access to many different spaces within the hub.
All groups can connect better with each other and build r/ships

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Araluen would like input on the traffic management plan especially around station street and Gipson street
if Senior Citizen building becomes vacant Araluen would like input of how the space could be utilised.
Use of spaces needs to be affordable to all user groups
Araluen would like input when it goes to finer design details of leisure and community hub to ensure accessibility

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Work
Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
17

Contribution ID: 20933

Member ID:

Date Submitted: Jul 27, 2022, 04:02 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

I think they deserve their own space to use it how they like, and to give it the status it deserves.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Big fan of the underpass for the Diamond Creek Trail under Main Road. This would be so great for the running/cycling/walking community who use the path.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Other: Heard about it at work

Response No:
18

Contribution ID: 20928

Member ID:

Date Submitted: Jul 26, 2022, 11:46 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Integrated is better than stand alone

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Maternal and Child health NEEDS to also be with hub and not stand alone in the back streets that makes it hard to get to. It should be part of the hub and have easy access to transport, shops and facilities such as park and walking track. Clients get together in groups from the centre and use the park, oval and walking track all the time. Putting it away form services is not ideal at all and quite isolating for staff

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
19

Contribution ID: 20918

Member ID:

Date Submitted: Jul 23, 2022, 02:43 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

I am a regular user of the function room at Diamond creek. I teach line dancing every Friday from 11.30am to 3pm. Will I loose the usage of this facility?

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Work

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
20

Contribution ID: 20914

Member ID:

Date Submitted: Jul 22, 2022, 03:13 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Youth needs are more broader today and may not fit with senior citizens?

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Prefer the two pools under one roof, with the heated pool catering to aqua classes and hydrotherapy with two spa areas, wet and dry saunas as for ELC. Existing pool for learn to swim, Sw.club and laps.

If a two storey gym, need toilets on both levels and changing rooms, to cater to older people. Want larger equipment room than presently used.

Two high ball courts are desperately needed, more so if the BB court at the DCCC is lost.

These facilities to be built first before the DCCC is changed over. DC FC and CC improvements are last as already they are catered for.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
21

Contribution ID: 20900

Member ID:

Date Submitted: Jul 20, 2022, 08:43 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

I think it would be a good addition to the community hub and it makes sense to group it with the other services and facilities. The location may also be more convenient for young people to access.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Can't wait for a library!! The location and nature of the new/improved features will be great for Diamond Creek. Hope to see progress sooner rather than later.

Q5 First Name

Short Text

[REDACTED]

Q6 Last Name

Short Text

[REDACTED]

Q7 Email

Email

[REDACTED]

Q8 Gender

Multi Choice

[REDACTED]

Q9 Township

Select Box

[REDACTED]

Q10 Relationship to Nillumbik

Multi Choice

Live
Play
Work

Q11 Age Group

Select Box

[REDACTED]

Q12 Are you? (Tick all that apply)

Multi Choice

[REDACTED]

Q13 How did you hear about this consultation?

Multi Choice

Instagram

Response No:
22

Contribution ID: 20842

Member ID:

Date Submitted: Jul 17, 2022, 01:50 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
23

Contribution ID: 20841

Member ID:

Date Submitted: Jul 17, 2022, 01:20 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Should use the facilities that already exist

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text Less distractions

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Poster

Response No:
24

Contribution ID: 20840

Member ID:

Date Submitted: Jul 17, 2022, 12:40 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Services should be integrated to allow for better sharing of information and acknowledgement of the fact that community connection goes well beyond age categories.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Library and fitness services are great, so long as they aren't priced to exclude vulnerable populations within the community. Partners who manage council facilities should ensure vulnerable populations have open access to services that can make them less vulnerable like education, physical activity and social connection.

Much greater consideration of the natural environment and sustainability needs to be included - not just in the colour scheme but in actual inclusion of bush habitat, community gardens and net zero operations.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Email

Response No:
25

Contribution ID: 20814

Member ID:

Date Submitted: Jul 15, 2022, 09:57 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

The location is incred bly close to the train station, which is where a great number of the youth attending this hub will come from,

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Absolutely thrilled to see an indoor pool on the strategic plan!
A Diamond Creek resident for 11 years, I learned to swim early mornings at the outdoor pool. Now a resident of Doreen, I drive 25mins (up to 45mins if prior to 9:30am or after 3:30pm) to access the nearest indoor pool for my children to swim (Eltham, Greensborough or Craigieburn). It's an epic journey, in slow traffic, when you have very young children.

Diamond Creek's indoor pool will be SO well utilised by the many families who live in and visit the town.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
26

Contribution ID: 20795

Member ID:

Date Submitted: Jul 13, 2022, 08:31 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text Important for Youth to be seen as an integral part of the broader community not tucked away out of sight

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
27

Contribution ID: 20794

Member ID: 1617

Date Submitted: Jul 13, 2022, 02:02 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

A stand-alone youth hub would be better suited as it would allow for the young adults to have their own space without the perception of constant adult supervision. The location proposed (cnr Elizabeth x Gipson) is not ideal as it is removed from direct access to public open space and limits the ability to include outdoor social and active infrastructure that youths and young adults would more likely use (informal multi-use courts, social hangout spaces). Ideally, proposing a new facility in the location of the existing skate park could integrate the Coventry sports pavilion and future aquatic centre to minimise the extent of built form in the park and reserve. The association with sports and recreation could potentially be more accepted by young adults as not constant adult supervision, unlike the association with a community house/education/health (aka Help/Assistance).

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

I am really grateful for the investment into the area, and it is a great opportunity to create a Master Plan of the reserves and infrastructure in the area. Please don't go into the planning of the space with a building first approach (despite the pool being the obvious priority courtesy of some federal pork barrelling). The pool, pavilion, community house, and youth space all sit within a park and reserve, it is not the other way around. Do not let an architect or engineer force an outcome onto a landscape.

Do not ever propose to remove a facility (Skate park) without a clear idea of relocation (That's planning/design 101), the current location of the skate park is highly accessible to youth due to the proximity to public transport. In addition, the skate park has good passive surveillance from the high activity area of the pavilion and oval. Any relocation will need to be equal to, if not better, for access, inclusion and gender equity.

The proposed building massing is poor usage of street frontage by removing visual and access permeability into the reserve.

The proposed social enterprise space could be integrated into the AFHC, as it will potentially receive more foot traffic than behind Marngrook pavilion.

Interested to see the consultation activities with young adults and the youth.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Play

Q11

Age Group

Select Box

Q12

Are you? (Tick all that apply)

Multi Choice

Q13


How did you hear about this consultation?

Multi Choice

Word of mouth

Page 30 of 39

Draft Diamond Creek Community Infrastructure Strategic Plan

 THE HIVE

Response No:
28

Contribution ID: 20789

Member ID:

Date Submitted: Jul 13, 2022, 09:23 AM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

I don't believe further netball/ basketball courts are needed. There is a big percentage of young children who will never play these sports. I have been a paying ratepayer for nearly 40 years and find that this direction only has been supported. Funded well planned social meeting groups (youth groups) are a safe , supportive environment for young people to assimilate into their adult lives and form friendships. This meets a wider demographic.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
29

Contribution ID: 20788

Member ID:

Date Submitted: Jul 12, 2022, 08:51 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Young people need space to be loud and create their own community. They are able to access the other community spaces but it's important for them to have something that is theirs.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
30

Contribution ID: 20787

Member ID:

Date Submitted: Jul 12, 2022, 08:04 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text I prefer integrated as it would allow for people to go as a family and split up to do their own thing. As long as the hubs are connected but not directly one room integrated is my preference.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text No! :)
Note: You spelled "descent" as "decent". Please correct this :D

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice Word of mouth

Response No:
31

Contribution ID: 20786

Member ID:

Date Submitted: Jul 12, 2022, 06:31 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text It's good for the youth to feel included in the community, especially to feel connected to the older generation.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text Please consider the connection to nature. Perhaps a kitchen or community garden as well as making the community hub be integrated into the natural landscape.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
32

Contribution ID: 20785

Member ID:

Date Submitted: Jul 12, 2022, 06:20 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

you demolished the dct bike jumps, then you demolished the bike jumps on the other side of the rail, now you're getting rid of the skatepark ? You can't actually be that narrow minded and I'm assuming you're making way for a safe injecting room so all these kids have somewhere to go to have fun

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
33

Contribution ID: 20784

Member ID:

Date Submitted: Jul 12, 2022, 06:17 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Route the Diamond creek trail under the two bridges providing a safe, flowing path between Marngrook & coventry ovals & associated facilities at the two precincts.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
34

Contribution ID: 20783

Member ID:

Date Submitted: Jul 12, 2022, 05:17 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

I'd like to see a large well equipped library. It has been a great miss for the families especially the ones with young children. Eltham library has been a long drive. I hope we get to have a library sooner than later.

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
35

Contribution ID: 20782

Member ID:

Date Submitted: Jul 12, 2022, 04:26 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option B: Stand-alone Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

It's been a long time since I was a teenager but I suspect they would prefer to be alone in their own space, purpose-built space, rather than potentially sharing it with boring old people (I put myself in that category!). This space is also close to the train and bus area, as well as Mecca's (I). It would be amazing if it could be close to the new skateboard too somehow.

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Please make sure there is money in the budget for decent gym equipment. The community centre gym is absolutely amazing, as a result of great staff and a great community feel - unfortunately not so much because of the equipment!

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play
Other: Volunteer

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
36

Contribution ID: 20775

Member ID:

Date Submitted: Jul 11, 2022, 12:53 PM

Q1 Which Youth Hub option do you prefer?

Multi Choice Youth Hub Plan Option A: Integrated Youth Hub

Q2 Why do you prefer an integrated Youth Hub?

Long Text If integrated it would be able to access the other facilities at the community Bette the young people may want to use and/or create connection between the other facilities offered in the community space eg youth assisting elderly, doing projects in association with the other facing or people of the community. The youth would have their own space there but be able to access the other facilities and connect with other members of the community.

Q3 Why do you prefer a stand-alone Youth Hub?

Long Text

Q4 Do you have any further feedback on the draft strategic plan?

Long Text

Q5 First Name

Short Text

Q6 Last Name

Short Text

Q7 Email

Email

Q8 Gender

Multi Choice

Q9 Township

Select Box

Q10 Relationship to Nillumbik

Multi Choice

Live
Work
Play

Q11 Age Group

Select Box

Q12 Are you? (Tick all that apply)

Multi Choice

Q13 How did you hear about this consultation?

Multi Choice

Other:

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK



Sacred Heart
Catholic Primary School
Diamond Creek

25 Gipson St, Diamond Creek 3089
ph: 03 9438 1590
fax: 03 94385088
office@shdiamondcreek.catholic.edu.au
www.shdiamondcreek.catholic.edu.au

**Draft Diamond Creek Community Infrastructure Strategic Plan - Rec
and Leisure**

On behalf of the Sacred Heart Primary School community, I wish to lodge a request for the Council to not consider Option B for the Integrated Youth Hub as identified in the Strategic Plan – Recreation and Leisure.

Option A has the Youth Hub integrated within Community Hub and Option B has it as a stand-alone building opposite Sacred Heart School and Parish.

My concern is that by situating the Youth Hub in Option B that our Church and school property and the security of our students and staff could be adversely affected through the attraction of extra youth to this area. We consistently have large numbers of youth using our property as a means of accessing the train station/bus terminus, Diamond Creek shops and McDonald's and we feel that Option B for the Youth Hub would attract greater numbers and increase the potential for inappropriate behaviour and activities.

I welcome any opportunity to discuss this further with you.

[Redacted Signature]

Principal



Draft Diamond Creek Community Infrastructure Strategic Plan

Written Submission Feedback

Diamond Valley Basketball Association

28th July, 2022

Nillumbik Shire Council,

The Diamond Valley Basketball Association support in principle most of the proposed Draft Diamond Creek Community Infrastructure Strategic Plan. Preference would be toward Option A, as keeping community services in the one building does make more sense.

The only additional feedback we have is around the High Ball courts.

Currently Nillumbik Shire does not have an Indoor Facility Strategy. Which means it is largely flying blind when planning for indoor sporting facilities in the future.

While two highball courts may be economically and populationally feasible, the rate of participation in alignment with population has not been taken into account, not has the impact on losing that court during construction.

Nillumbik has one of the highest rates of youth participation in sport in the state and the DVBA have over 5,500 participants alone, ranking it in the top 15 of 160 basketball associations in the state.

We feel that adequate investigation into the future planning for facilities for just basketball alone has not been considered and would suggest a proper feasibility study into Diamond Creek's indoor sporting requirements for the future.

With nothing being done in this space, we fear that adding only one new court overall (as the current DCCC court will be demolished in this plan), will see the area in need of more indoor sporting facilities before the project is even completed.

We look forward to our ongoing consultation and appreciate the opportunity to give feedback.

Thankyou

On behalf of the DVBA board,



General Manager, Diamond Valley Basketball Association

As long term, substantial and regular users of the Diamond Creek Senior Citizen's Centre we would like to make an initial response to the Diamond Creek Community Infrastructure Strategic Plan. We look forward to being an ongoing part of the consultation on the development of a new community hub in Diamond Creek.

Our current location suits our needs, but we understand the need for a new community hub.

We are aware that a full consultation will take place with all stakeholders over their meeting space and storage requirements. However, we want to highlight some of our initial thoughts, as bullet points below, on our needs.

- NOTYQ has 160 members and has unique meeting and storage space requirements.
- Good access to our meeting space is a priority as we have many older members, some with disabilities and members often bring along their own projects and sewing machines. We also require good lighting (both natural and artificial) and multiple power outlets.
- Accessible parking is a priority. We currently have 6 places dedicated to seniors and 2 places for people with a disability. There are many other local parking areas available to us, especially on weekends.
- Our Community quilts program is a key aspect of our activities. Volunteer members make 100's of quilts each year, which are gifted to those in need in our community. This necessitates dedicated storage for materials, fabric, notions and quilts that are in progress.
- We have to ensure our tables are kept clean and in good repair so we have our own tables for our sole use. We also have a large, unique table that is required for basting large quilts, prior to quilting.
- We have an extensive book library, craft tool library, irons, ironing boards and large cutting machine which again requires its own storage
- We have a dedicated pantry, fridge, tea towels, table cloths etc.

Planning for community infrastructure in Diamond Creek

Written Submission, 04/08/22

I am writing on behalf of Diamond Creek Memorial Kindergarten (Collins St and Coniston St campuses) to voice our concerns regarding the selected area to relocate the Maternal and Child Health Centre.

While in principal we are very supportive of the relocation of the service to Coniston St to be in close proximity to one of our community kindergartens, we do have concerns about where the building will be located and available surrounding infrastructure to support it. The current plans do not give specific details about the location of the proposed building, but it does appear to be earmarked to go in the front north-west corner of the available land.

Here is an outline of our feedback:

- Carpark concerns: Coniston St is a cul-de-sac with very limited parking, which is already below the requirements for families attending kinder sessions and play group. When both kinder and play group start at similar times, there can be over 30 cars trying to access 8 car parks which results in a chaotic and dangerous situation for families with young children. The Coniston St Family Centre and kinder buildings are neighboured by a private house and many properties on this street have already been subdivided into units, adding further traffic. In addition, the playground across the road is also used by the public and tends to be busy at session end times. Consideration should be given to the need for additional carparking for the Maternal and Child Health Centre as the current parking will not be sufficient.
- Requirements for additional kindergarten rooms: The State Government have recently announced plans to extend the available funded hours of 4-year-old kinder ("pre-prep") to 30 hours per week within 10 years. In order to provide 30 hours of 4-year-old kinder plus 15 hours of 3-year-old kinder there will need to be an expansion of available space to accommodate this increased need. We would no longer be able to operate out of a single kinder room and provide services for both age groups. Planning for the future of kindergarten spaces within Nillumbik should be high in the current strategic planning. We would strongly recommend the consideration of building additional kinder rooms within the current strategic planning activities, and the land surrounding the Coniston St facilities provides an ideal opportunity to future proof this kinder service.
- Existing community gardens: The kinder community have recently been awarded a Nillumbik council grant to build and maintain three large raised community garden beds in the public lawn out the front of the kinder and Coniston St Family Centre. Kinder families, children and staff constructed these garden beds and have been maintaining them for the enjoyment of the local community. We do not wish for these to be disturbed during construction of a new Maternal and Child Health Centre. There is also a large eucalyptus gum tree in the main lawn out the front which provides a highly valued connection to nature for our staff and children.
- Alternative building location: There is a large block of land which runs east of the current buildings (towards Phipps Cres) which is currently unoccupied and unused. To the immediate east of the kinder is an unused public toilet block. This land (including toilet block space) would be an ideal location for a new building, driveway and carpark, and could be accessed by both Coniston St and Phipps Cres. Our recommendation would be for this land

to be utilised for the building of a new Maternal and Child Health Centre. Allowing better access via Phipps Cres would also help connect the new centre to available bus routes. Currently there is limited access to this location other than by car.

Regards,

[Redacted Signature]

President of the Committee of Management

Diamond Creek Memorial Kindergarten



Email: dcmk.president.3089@gmail.com

Phone: [Redacted]

Submission to Diamond Creek Community Infrastructure Strategic Plan

This submission was prepared on behalf of the Diamond Creek OM:NI (Older Men New Ideas) discussion group with support from Positive Ageing Officer, Nillumbik Shire Council.

About the Diamond Creek OM:NI

The Diamond Creek OM:NI meet fortnightly at the Diamond Creek Senior Citizens Centre on Tuesday. Our group is a discussion group, providing a safe forum for older men to come together and support each other as peers. Established in 2011, OM:NI Diamond Creek is a place for older men to meet other older men for mateship, friendship and belonging. We share our experiences, ideas and wisdom, talking about joys, sorrows, hopes and achievements in a non-judgemental environment. The group provides practical support to help build self-esteem, health, well-being and to combat isolation. OM:NI men's discussion groups have no political or religious affiliations and are a place for all men aged 50 and over to meet each other in an informal, social setting. Men's discussion sessions, led by a facilitator within the group, have been running in Victoria since 2004 and are now found across Melbourne and in some regional areas. OM:NI is a program of the Council on the Ageing, Victoria.

Submission to DC Community Infrastructure Strategic Plan

Our first preference

We would like to make it clear that we are very happy where we are now in Gipson St. **It is our preference to stay in this address and the building is perfect in regards to all our needs.** This facility suits our needs in regards to level movement, toilets, parking, transport via train and pedestrian crossings and vehicle access by way of traffic lights and level access throughout the site and building plan.

If it is at all possible in rebuilding on the site that we can remain in this site and future plans, we would be very happy.

Re: proposed strategic plan

However in relation to the proposed strategic plan, the Diamond Creek OM:NI support the creation of an integrated community hub, and look forward to being invited to provide feedback and input into future plans as current users of the Diamond Creek Senior Citizens Centre. In particular, we would like to be engaged and consulted when the master plan is being drafted.

Regarding the two proposed sites for the youth hub, we support the idea of a separate youth hub that allows for young people to have a 'space of their own'. However if the youth hub were to be co-located in the integrated Community Hub, we would like to ensure that master planning takes into consideration appropriate and adequate sound insulation for meeting spaces.

We are also concerned that there is inadequate pedestrian crossing to access the proposed site for the integrated community (adjacent to the facility at the Elizabeth street pedestrian crossing). We are concerned that without consideration of parking arrangements for all users, that it will create pressure and challenges for older people to find parking. We are also concerned that potential flooding in certain areas covered by this strategic plan.

Our requirements are that:

- Our Meeting space is on the ground level, has disability access and can accommodate 30 adults
- Our Meeting space is well insulated from sound, with windows to the outside
- There are adequate accessible parking spots, and that parking is accessible from 50m of the entrance
- Any construction or interim transition period between use of the Diamond Creek Senior Citizens Centre and proposed Community Hub does not disrupt our meetings. There needs to be an interim venue to allow for continuity of our group
- Coffee and tea facilities are available
- Scheduling for all user groups takes into consideration the needs of all user groups
- Free venue hire for DC OM:NI, with an ongoing booking

Thank you for your consideration of our submission to the Diamond Creek Community Infrastructure Strategic Plan. If you have any questions about this submission, please contact [REDACTED] and [REDACTED].

Submission to Diamond Creek Community Infrastructure Strategic Plan

This submission was prepared on behalf of the Diamond Creek Senior Citizens Club (DCSSC) with support from Positive Ageing Officer, Nillumbik Shire Council.

The Diamond Creek Senior Citizens Club meet weekly at the Diamond Creek Senior Citizens Centre on Tuesday. Our group plays cards, shares morning tea and occasionally play bowls in the centre. Established in 1965, the Diamond Creek Senior Citizens have played an important role in supporting older residents to remain socially connected, physically active and connected to the Diamond Creek community. Whilst our group's membership has declined over the years, our group remains a key source of social support for our members.

We support in principle the proposed Community Infrastructure plan, and look forward to being invited to provide feedback and input into future plans. However we have a few concerns and questions about the rationale for moving the existing user groups from the current Diamond Creek Senior Citizens Centre:

- Noise from multigenerational users
- Why should we be moved – perhaps the youth hub is better located in the integrated hub?

Our requirements are that:

- Our Meeting space is on the ground level so there is good access for members with walking frames, wheelchairs and walking sticks
- Our Meeting space is well insulated from sound

- There are adequate accessible parking spots
- Tables and chairs are easy to move around
- Chairs have armrests
- Rails in accessible toilet

We would appreciate Council's support in relocating to the community hub:

- Free venue hire for DCSCC, with an ongoing booking
- Cupboard storage space
- Support with insurance or options to use the community hub without needing to be incorporated
- Consider purchasing equipment that can be used by all users, including indoor carpet bowls
- Support with relocating DCSCC memorabilia, photos and belongings to new hub, which could be displayed

The Diamond Creek Senior Citizens Club welcomes the opportunities for intergenerational connections, being part of a warm and welcoming community space that is modern and accessible.

If you have any questions about this submission, please contact Positive Ageing officer on 9433 3345 or positive.ageing@nillumbik.vic.gov.au



NILLUMBIK U3A SUBMISSION ON THE DRAFT DIAMOND CREEK COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

1. Nillumbik U3A (NU3A) wishes to make the following submission concerning the Draft Diamond Creek Community Infrastructure Strategic Plan. It is understood that the document represents very early planning deliberations and therefore lacks detail. However, NU3A considers it important to raise some issues at this early stage, in order to ensure consideration of the group's needs right from the start of the process.
2. NU3A welcomes the draft plan and particularly its commitments to multi-purpose spaces, library services and creative arts.
3. NU3A has a total membership in excess of 700 and is therefore a significant stakeholder group; representing the interests of many senior citizens in the community. The group uses over 15 venues, running more than 75 courses per week throughout the Nillumbik municipality and this includes Diamond Creek, where both the Senior Citizens Centre on Elizabeth Street and the Neighbourhood House on Cowin Street are currently used. As it continues to grow and diversify, the group is keen to expand the list of courses currently being offered in Diamond Creek. Furthermore, the group is struggling to find suitable premises in Hurstbridge and Wattle Glen and is therefore looking to Diamond Creek for more rooms.
4. NU3A acknowledges the intent in the draft plan to centralise community facilities into the Community Hub and wishes to be an active participant in the development of this facility. However, it is most important to the group that the end result includes adequate facilities to meet the needs of all the participating organisations. Different age groups have differing requirements and it is vital that all those requirements are met.
5. Although the draft document has no detail on room sizes and fitout, NU3A wishes to outline its requirements early, to ensure that they are taken into account during project development. Our outline requirements are as follows:
 - a. Multiple classrooms including one or more with an occupancy of 30 students and one or more with an occupancy of 15 students¹ plus a larger space for our exercise or yoga classes;
 - b. A venue where, as one of the stakeholders, NU3A has some control, or at least influence, over layout and ambience;
 - c. A venue with some security of tenure;
 - d. Wi-Fi access for at least the group's tutors and ideally all NU3A members attending classes;

¹ It is important to the group that some of these rooms are not too big and not too open plan as it has been learnt from experience that NU3A members generally prefer 'cosy' spaces; which also helps acoustics.

- e. Good acoustics, such that participants with hearing difficulties can hear what is said; hearing loops might also be desirable;
- f. Audio-visual equipment (i.e. a projector, screen, speakers and provision for microphones) which is fitted as an integral part of each room;
- g. Sufficient dedicated storage in each room for other equipment and training aids;
- h. Adequate domestic facilities, such as kitchen facilities and toilets, provided to meet the needs of attending groups, including facilities to meet the needs of disabled users;
- i. Somewhere to chat over coffee; and
- j. At least one defibrillator.

6. In order to put NU3A's position in perspective, it is worth comparing the group's current situation in the Diamond Creek Senior Citizens Centre with the stated list of requirements above. The three rooms used are good in terms of layout and they are well serviced in terms of general facilities. Storage is also reasonably good. However, the group does not have any say over the shape of facilities that are provided, nor over the mix/pattern of bookings, nor has any security of tenure, so the centre in no sense 'feels like a home'. Furthermore, there is no fitted audio-visual equipment or are either Wi-Fi or defibrillators supplied. In an effort to overcome the shortfalls, NU3A has provided a projector, speakers and Wi-Fi, even though they are not a full replacement for integrated equipment. The group has also fitted a defibrillator. This state of facilities and support services suggests that the Diamond Creek Senior Citizens Centre has the potential to be a more than adequate venue for NU3A and other groups with similar requirements.

7. Although the draft plan implies that the intent is to centralise users as much as practicable, it also states that further investigations are required to explore possible future uses of the Senior Citizens building/site that provide the best net community benefit. In this context, we are proposing an alternative solution, whereby, if the Senior Citizens Centre is not to be modified for use as a Youth Hub (as suggested in option A in the draft plan), NU3A takes over its management and it becomes the Diamond Creek home for both the group and any other organisations for whom it is suited (e.g. the Quilting Club and, indeed, the Diamond Creek Senior Citizens themselves). Put another way, NU3A would manage the facility on behalf of the Council.

8. NU3A does not see any reason why either options A or B, proposed in the draft plan, are not workable and the choice between them will depend on wider issues across the community. The foregoing submission however, illustrates that the group is willing and keen to work with council to achieve the best result for all participants. It should therefore be noted that NU3A wishes to be an active participant in the development of the draft Strategic Plan and to that end would suggest that one of their members be invited to participate on any planning team(s) established for that development.

[Redacted]

President

Nillumbik U3A

[Redacted]

president@nillumbiku3a.org.au

RESPONSE TO THE DRAFT DIAMOND CREEK INFRASTRUCTURE STRATEGIC PLAN

From [REDACTED]

We wish to applaud NSC for presenting these concept plans for feedback, so that there can be wide community participation on the way forward, unlike what happened previously with plans for the Diamond Creek Community Centre.

Our comments follow:

1. The aquatic, health and fitness centre buildings are located close to the Diamond Creek, on a flood plain, so it is presumed that architectural allowance will be made for this.
2. No parking areas are indicated on the plans.
3. The time line is critical, with new facilities to be in place before others are demolished.
4. The redeveloped sports oval and pavilion should come last, as these facilities exist now and can be upgraded at a later stage. On page 2 there is a statement that these facilities (currently for AFL and cricket) will be integrated into the aquatic, health and fitness centre – what does this mean and how will this work?
5. The aquatic centre should have facilities to cater to hydrotherapy, aqua fitness, spas, dry and wet saunas, as per the Eltham Leisure Centre.
6. Plans state “health and fitness on the first floor” so what is on the second floor?
7. There will be a new outdoor 25m pool and a new indoor 25m pool but there is no evidence as to how these will be co-located with the other aquatic facilities listed in point 4.
8. The highball basketball court at the DCCC should be retained there as a valuable multi-purpose sports/recreation place and for active leisure pursuits for senior citizens and youth.
9. The two highball courts for basketball and netball should also cater to volleyball as there is little provision for volleyball across the north-east suburbs and we should broaden our range of sports.
10. The health and fitness centre includes a gymnasium and group fitness spaces and suites. These areas should at least replace what exists now, with a larger equipment gym. What is meant by dry change on page 4? No showers?
11. Not sure how co-location of a Youth Centre with Senior Citizens will work, yet we also aim for inter-generational connections and understanding.
12. The Family Centre at Coniston Street should be an improvement for maternal and child health services.

From: [REDACTED]
To: [DC Community Infrastructure](#)
Cc: [REDACTED]
Subject: RE: Draft Diamond Creek Community Infrastructure Strategic Plan
Date: Tuesday, 2 August 2022 4:38:23 PM
Attachments: [image015.png](#)
[image016.png](#)
[image017.png](#)
[image018.png](#)

Hi Andrew and Team

Having a look at the master plan for Diamond creek, I think major part that is missing is the inclusion of Maternal and child health in the hub.

Co-location Maternal and child health with a wide range of services can enhance children's and parent connectives in the community.
As well as improve early cognitive and social development in children , create greater aspirations among young people, families and the community and effectively use community resources and infrastructure.

As said in Nillumbik's Child safe standards



It is often said "it takes a village to raise a child".
Council's infrastructure in many ways is that village, from our school crossing supervisors, to our playgrounds within our parks and gardens, to our public spaces and community centres, to our roads maintenance teams and kindergartens, to name a few. We all encounter children and young people in many different ways.

I have previously worked in an area where Maternal and Child health services were co-located in library service, youth service and variety of other agencies.

It grew into a vibrant hub, with a mixture of age groups and community, great ideas developed from there but it also became a great resource for connecting people with what is in the community.

Maternal and Child health is often the first council service community use (apart from bins) and one of our main strengths is helping parents and often grandparents, engage with resources in their local area.

The choice of locating maternal and child health to Coniston st, is a backward step. It had previously been located at Coniston st and was moved to its current location, to

increase parents access to the facility,
Coniston st is not close to public transport and while we think everyone in Nillumbik drives this is not so.

We have in the last years seen an increase in parents who are living in temporary accommodation, no cars and having difficulty in accessing services

several "at risk" parents decline going to Coniston to attend Smalltalk playgroup (currently running from there) as they had no car and said a few tried but found the hill too hard with a pram and toddler.

MCH being located in a community facility increases social connection, ideas, and access

thanks

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: Monday, 11 July 2022 8:18 AM

To: DC Community Infrastructure <DCCommunity.Infrastructure@nillumbik.vic.gov.au>

Cc: [REDACTED]

Subject: Draft Diamond Creek Community Infrastructure Strategic Plan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

Yours sincerely

[Redacted signature]

[Redacted text block]

[Redacted text block]

[Redacted content]

From: [REDACTED]
To: [DC Community Infrastructure](#)
Cc: [REDACTED]
Subject: RE: Draft Diamond Creek Community Infrastructure Strategic Plan
Date: Wednesday, 3 August 2022 9:40:42 AM

Hi Andrew and team,

I am very concerned about the proposition to move the Diamond Creek Maternal and Child Health centre to Coniston Street.

We have numerous members of the community who have new babies who are not able to drive. The proposed relocation of the MCH centre to this location would make it very difficult for these families to access.

Any mother who has had a caesarean section cannot drive for 6 weeks. Throughout this time we have 2 Key Age and Stage visits that this mother/baby would not be able to attend if they do not have someone who can drive them to appointments. This could potentially result in negative health impacts for mothers' and their babies who then go unseen by healthcare professionals.

I have also had numerous 'at risk' families decline to attend supported playground at the Coniston Street location as they are unable to get there.

The current location of the MCH centre is accessible by public transport and more centrally located. It would be a big disadvantage to young families in the area for this to be relocated.

Locating the Maternal and Child Health centre close to community hubs including the library would be very beneficial to families and encourage them to access other community services.

It is also beneficial to have [REDACTED] nurses working within a hub that is run for longer hours during the week as this increases the safety for our nurses. If [REDACTED] one office/nurse working alone in a building at Coniston Street, this is a much more isolated environment and could potentially negatively impact the safety of [REDACTED] staff.

Thank you

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted content]

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

Nillumbik General Local Law 1

Nillumbik General Local Law 1

Version 1.1.

General Local Law 1 was made by resolution of the Nillumbik Shire Council on X.

This version is effective from X

This document is version 1.1

VERSION HISTORY

Version number		Effective dates
1.1.0	Consultative draft versions	October 2021
2.0.0	Authorised for formal exhibition by Nillumbik Shire Council	X
3.0.0	Adopted by Nillumbik Shire Council	
4.0.0	Final Local Law	

Table of Contents

Part 1. Introductions and definitions.....	7
1. Title	7
2. Objectives.....	7
3. The power to make this Local Law	7
4. Commencement.....	8
5. Revocation	8
6. Cessation	8
7. Application	8
8. Exemptions from this Local Law	8
9. Incorporated documents, codes, and policies	8
10. Definitions.....	9
Part 2. The Common Seal	14
11. Use of the Common Seal.....	14
12. Authority for use of Common Seal:	14
13. Keeping of the Common Seal.....	14
14. Signatures to accompany Common Seal.....	14
15. Unauthorised use of the Common Seal	14
Part 3. Council Land, Buildings and Reserves	15
16. Behaviour in or on Council Land	15
17. Behaviour in Council buildings.....	15
18. Activities prohibited in a Council reserve	16
19. Activities which may be permitted in <i>Council reserves</i>	17
Part 4. Consumption Of Liquor in Public Places	18
20. Liquor	18
Part 5. Specific Activities	19
21. Signs, goods, and furniture	19
22. Open air performances and busking.....	19

(1)	A person must not, without a <i>permit</i> , in or on a <i>Public Place</i> for reward:	19
23.	Aerosol spray paint containers	19
24.	Clothing recycle bins	20
25.	Charitable collections.....	20
26.	Distribution of notices, advertising material and selling of goods	20
27.	Shopping trolleys	20
28.	Fireworks.....	21
29.	Scare guns	21
Part 6.	Animals.....	22
30.	Collection and disposal of animal excrement	22
31.	Keeping animals	22
32.	Animal buildings and cleanliness	23
33.	Animal noise.....	23
34.	Feeding of Wild Birds	24
35.	Bees and Wasps	24
36.	Dead Livestock	24
Part 7.	Land Use and Amenity.....	25
37.	Alarm systems.....	25
38.	Unsightly and dangerous land	25
39.	Obstruction to visibility.....	25
40.	Overhanging and encroaching vegetation	26
41.	Chimneys and other nuisances	26
42.	Containment and disposal of swimming pool wastewater	26
43.	Incinerators.....	26
44.	Open air burning	26
45.	Large fires and multiple fires	27
46.	Bulk waste containers.....	27
47.	Use of recreational vehicles.....	28
48.	Toy vehicles.....	28

49.	Repair and sale of vehicles on roads and council land	28
50.	Identification of Premises	28
51.	Caravans, movable and temporary dwellings.....	29
52.	Shipping containers.....	29
53.	Protection of Amenity Trees	29
Part 8.	Waste Disposal.....	30
54.	Commercial Waste Collection.....	30
55.	Domestic waste collection, and recyclable materials	30
56.	Transportation of waste.....	31
57.	Use of Council recycling centre.....	31
58.	Hard Waste Collections.....	31
Part 9.	Protection and Management of Council Assets and Infrastructure	32
59.	Actions affecting council land	32
60.	Maintenance of drains	32
61.	Stormwater drainage connections under the footpath.....	32
62.	Protection of drains	32
63.	Protection of roads	33
64.	Protection of Vegetation.....	33
65.	Vehicle crossings	34
66.	Asset protection permits	34
Part 10.	Bend of Islands	36
67.	Restriction on animals within Bend of Islands	36
Part 11.	Requirements of Building Sites.....	37
68.	Hours of building work.....	37
69.	Stormwater protection	37
70.	Containment of refuse	37
71.	Building site fencing	38
72.	Sanitary facilities on building sites.....	38
73.	Identification of building sites.....	39

74.	Equipment and materials delivery	40
Part 12.	Administration of the Local Law	41
75.	Council may issue permits	41
76.	Correction amendment, cancellation and suspension of a permit	42
77.	Fees and charges.....	43
78.	Delegation	44
79.	Exemption from the requirements of this Local Law.....	44
Part 13.	Enforcing this Local Law	45
80.	Failure to comply with this Local Law, a permit or a notice to comply	45
81.	Notices to comply	45
82.	Power to act in urgent circumstances	46
83.	Impounding.....	46
84.	Infringement notices.....	47
Part 14.	Schedules	48
	Schedule 1 – Urban growth boundary map for Clause 28 – Prohibition of Fireworks	48
	Schedule 2 - Map of Bend of Islands for Part 10.....	49

Part 1. Introductions and definitions

1. Title

This Local Law may be referred to as *Nillumbik General Local Law 1*

2. Objectives

The principal objectives of this Local Law are to:

- (a) provide for the peace order and good governance of the Nillumbik Shire Council; and
- (b) promote a physical and social environment free from hazards to health, in which the residents of the **Council district** can enjoy a quality of life that meets the general expectations of the community; and
- (c) prevent and suppress nuisances which may adversely affect the enjoyment of life or the health, safety, and welfare of persons; and
- (d) prohibit, regulate, and control activities which may be dangerous or unsafe or detrimental to the quality of life and the environment; and
- (e) prohibit, regulate, and control access to and behaviour in and on **Council Land**; and
- (f) prohibit, regulate, and control the use of **Council Land**; and
- (g) protect public assets vested in **Council** from damage, accelerated deterioration or abuse during the building process or at other times; and
- (h) provide a physical environment which aims to minimize hazards to health and safety of persons attending building sites and those adjacent, opposite, or passing building sites; and
- (i) prohibit, regulate, and control the presence of and disposal of builders' refuse, rubbish, and soil on and from building sites within the **Council district**, particularly litter and stormwater pollution to protect receiving waterways; and
- (j) define the standards imposed on persons who engage in **building work**; and
- (k) provide for the consistent administration and enforcement of this Local Law.

3. The power to make this Local Law

This Local Law is made under section 71(1) of the *Local Government Act 2020 (Act)* and section 42 of the *Domestic Animals Act 1994*.

4. Commencement

This Local Law comes into operation on the day after it is made.

5. Revocation

The following Local Laws are hereby revoked:

- (a) Infrastructure Assets Local Law 2013;
- (b) Amenity Local Law 2013;
- (c) Meeting Procedure Local Law 2017; and
- (d) Prohibition of Fireworks Local Law 2019.

6. Cessation

This Local Law ceases to operate on the tenth anniversary of the day on which it comes into operation.

7. Application

- (1) This Local Law applies and operates throughout the whole of the **Municipal District**.
- (2) This Local Law does not apply where any act or thing is authorised by any Act, Rule, Regulation or Planning Scheme

8. Exemptions from this Local Law

Nothing in this Local Law prevents any member, officer, or employee of:

- (a) an emergency service, or
 - (b) a State or Commonwealth government, or
 - (c) any military or civil-defence organisation, or
 - (d) the **Council**, or a contractor directly engaged by the **Council** to undertake any work or to provide a service on behalf of the **Council**
- from performing any of the duties they are lawfully entitled or required to perform while engaging in those duties and any person acting accordingly is not guilty of any offence under this Local Law.

9. Incorporated documents, codes, and policies

The following documents are incorporated into this Local Law, in accordance with section 76 of the Act:

- (i) Nillumbik Live Local Plant Local – Nillumbik Shire Council, August 2014;

- (ii) Procedure and Protocol Manual – Nillumbik Shire Council – July 2022.

10. Definitions

Unless the contrary intention appears in this Local Law, the following words are defined as follows:

‘advertising sign’ means any placard, board, sign, card or banner, whether portable or affixed or attached to any land or building, which:

- a) provides information about the **occupier** of the land or building, or a business or industry; or
- b) advertises goods, services, an event, person, or a competition.

‘Asset Protection Permit’ means a **permit** issued by **Council** for the protection of public assets and infrastructure during **building work**.

‘Authorised Officer’ means any person appointed by the **Council** to be an Authorised Officer under section 224 of *Local Government Act 1989* and includes members of Victoria Police who are appointed under that section.

‘builder’ means a person who:

- a) carries out **building work**, or
- b) manages or arranges the carrying out of **building work**, or
- c) intends to carry out, or to manage or arrange the carrying out of, **building work**.

‘building work’ means work for or in connection with the construction, renovation, alteration, demolition, relocation or removal of a **building** including landscaping, concreting, the subdivision of land and **road** construction.

‘Council’ means Nillumbik Shire **Council**.

‘Council building’ means a **building**:

- a) that is owned, occupied or controlled by **Council**, or
- b) that is under the care or management of **Council**.

'Council Land' means any land which **Council** owns, occupies, manages, has leased or licenced to another person or is otherwise under Council's control and management but does not include a **road**.

'Council recycling centre' means the **Council** recycling centre.

'Council reserve' means **Council Land** within the **municipal district** that is:

- (a) a sports ground; and
- (b) a park; and
- (c) a nature reservation; and
- (d) a facility provided or used in association with activities at a sporting ground, park or nature reservation; and
- (e) a place specified in the Procedure and Protocol Manual; and
- (f) a reserve, as declared by resolution of the Council; and
- (g) purchased by, leased or otherwise provided to or managed or controlled by Council for a recreation, cultural or entertainment purpose.

'environmental weed' means any weed that is specified in the Procedure and Protocol Manual.

'fire danger period' means the period declared pursuant to the *Country Fire Authority Act 1958* to be a fire danger period.

'hard waste collection' means the collection of hard waste by Council or its contractor from residential **private land**.

'large heap' means any windrow or accumulation of felled, fallen or cleared trees, shrubs or vegetation which occupies an area exceeding ten (10) square metres or is over 25 cubic metres in volume.

'Litter Device' means a device or apparatus designed for the purpose of removing animal excrement and includes a plastic bag.

'liquor' means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius.

'livestock' includes a cow, sheep, horse, pig, donkey, alpaca, llama, and an animal of any species used in connection with primary production or kept for recreational purposes other than a dog or cat.

'Local Law' means the Nillumbik General Local Law 1.

'motor vehicle' has the same meaning as in the *Road Safety Act 1986*.

'municipal district' has the same meaning as in **Act**.

'noxious weed' has the same meaning as the *Catchment and Land Protection Act 1994*.

'occupier' means the person who is for the time being in charge of the land and includes:

- a) a person who manages any land on behalf of the land's **owner**; and
- b) a person who is responsible for the care and control of any land; and
- c) a lessee or licensee of any land.

'owner' means:

- a) in relation to land the registered owner of the land;
- b) in relation to a **motor vehicle**
 - i. the **registered owner** of the **motor vehicle**, and
 - ii. a person who has possession of the **motor vehicle**, and
- c) in relation to **livestock**, means
 - i. a person who is entitled to legal or equitable possession of **livestock** whether solely or jointly, and
 - ii. a person who has custody of **livestock** on behalf of a person referred to in paragraph (c)(i).

'permit' means a permit granted under this Local Law and includes an **Asset Protection Permit**.

'Planning Scheme' means the Nillumbik planning scheme.

'private land' means any land which is not owned or occupied or under the control or management of a public body.

'Public Place' has the same meaning as in the *Summary Offences Act 1966*.

'recreational vehicle' means any mini bike, trail bike, motor bike, motor scooter, go-cart or other **vehicle** propelled by a motor which is used for recreational purposes, but does not include:

- a) a **vehicle** whilst engaged in legitimate farming activities, or
- b) a motorised wheelchair, or
- c) a motor-assisted bicycle with a motor with less than 200 watts capacity.

'rural zone' is the land within the rural zones in the *planning scheme*.

'road' has the same meaning as in the *Local Government Act 1989*.

'sell' includes -

- a) sell by means of any machine, electronic device or mechanical device; or
- b) barter or exchange; or
- c) offer or expose for sale; or
- d) keep or have in possession for sale; or
- e) agreeing to, directing, causing or attempting to do any of such acts or things.

'single use plastic' means plastic items intended to be used only once before they are thrown away or recycled and includes plastic bags, straws, cutlery, plates, drink-stirrers, expanded polystyrene food and drink containers, balloons and cotton bud sticks.

'substantial tree' means a tree or palm:

- (a) that has a trunk circumference of 50 cm or greater measured at one metre above ground level;

- (b) that has a total circumference of all its trunks of 50 cm or greater measured at one metre above ground level;
- (c) that has a trunk circumference of 50 cm or greater measured at its base; or
- (d) that has a trunk circumference of all its trunks of 50 cm or greater measured at its base.

'toy vehicle' means a **vehicle** designed to be propelled by human power and includes a scooter, a skateboard, roller skates, roller blades and similar toys and includes vehicles propelled by a motor of less than 200 watts but does not include:

- a) a motorised wheelchair used by a person of impaired mobility, or
- b) a pram or pusher when used for its intended purpose.

'vehicle' includes any conveyance propelled or drawn by human, animal, mechanical, electrical, or other power.

'waste' includes any of the following—

- a) matter, including solid, liquid, gaseous or radioactive matter, that is deposited, discharged, emitted or disposed of into the environment in a manner that alters the environment;
- b) a greenhouse gas substance emitted or discharged into the environment;
- c) matter that is discarded, rejected, abandoned, unwanted or surplus, irrespective of any potential use or value;

Part 2. The Common Seal

11. Use of the Common Seal

The Common Seal is the corporate signature of **Council** and exists in the form of a stamp. It evidences and authenticates decisions taken by **Council**.

12. Authority for use of Common Seal:

The Common Seal may be used only on the authority of **Council**.

13. Keeping of the Common Seal

- (1) The Chief Executive Officer must keep the Common Seal securely at the Council's offices.
- (2) The Chief Executive Officer must keep a register of documents to which the Common Seal has been affixed.

14. Signatures to accompany Common Seal

Every document to which the Common Seal is affixed must be signed by one Councillor and the Chief Executive Officer or some other senior officer authorised by the Chief Executive Officer.

15. Unauthorised use of the Common Seal

A person must not use the Common Seal or any device resembling the Common Seal without the authority of Council.

Part 3. Council Land, Buildings and Reserves

16. Behaviour in or on Council Land

- (1) A person must not in, on or within **Council Land**:
- (a) cause or commit any nuisance;
 - (b) interfere with the use or enjoyment of that **Council Land** or the personal comfort of another person in or on that **Council Land**;
 - (c) endanger any other person in or on that **Council Land**;
 - (d) commit an indecent, offensive insulting or riotous act;
 - (e) use indecent, offensive, insulting or abusive language to any other person in or on **Council Land**;
 - (f) obstruct, hinder or interfere with any member of Council staff in the performance of their duties;
 - (g) act in a manner contrary to any sign;
 - (h) use or interfere with any lifesaving or emergency device in or on **Council Land** other than in an emergency or during instruction or maintenance;
 - (i) camp or occupy a tent, caravan, motor home, or other temporary structure;
 - (j) use, or allow any other person to use, any unregistered **recreational vehicle**.
- (2) A person must not, without a **permit**:
- (a) destroy, damage interfere or deface **Council Land** or anything on or in **Council Land**;
 - (b) sell any goods or services on or in **Council Land**;
 - (c) place, erect or operate or cause to be placed erected or operated any amusement in or on **Council Land**;
 - (d) use a **recreational vehicle** in or on **Council Land**.

17. Behaviour in Council buildings

- (1) A person must not, without a **permit**:
- (a) organise, conduct or hold any function or event in a **Council building**;
 - (b) bring any animal into, or allow any animal under their control to remain in, a **Council building**, except for an assistance animal being used by a person with a disability;

- (c) bring any **vehicle** into a **Council building** (other than a pram, pusher, wheel chair or other medical device).
- (2) A person must not:
 - (a) smoke any tobacco product or use a device which is used to inhale vaporized liquid containing nicotine, flavorings, or other chemicals inside or within 10 metres of any entry or exit of a **Council building**;
 - (b) bring into a **Council building** any substance, liquid or powder which may:
 - (i) be dangerous or injurious to health;
 - (ii) have the potential to foul, pollute or soil any part of the **Council building**; or
 - (iii) cause discomfort to persons.

18. Activities prohibited in a Council reserve

A person must not in a **Council reserve**:

- (a) enter or remain on any area that is the playing surface of an organised sporting match or event, unless they are a player or official or a competitor at the sporting match or event;
- (b) destroy, damage, climb on, remove or interfere with any tree, shrub or other vegetation;
- (c) destroy, damage, remove or interfere with any structure;
- (d) leave any tools or other implements;
- (e) walk on or damage any garden bed, border, closed track, replanting area or other area set aside for trees, shrubs or other vegetation;
- (f) use any children's playground equipment or exercise equipment other than for the purpose for which it was designed;
- (g) enter a **Council reserve**, or a part of a **Council reserve**, contrary to signage prohibiting access to the **Council reserve** or part of the **Council reserve**;
- (h) fail to comply with a sign erected or displayed in or on a **Council reserve**;
- (i) swim, paddle, dive or jump into or enter any wetland, lake, pond or fountain;
- (j) place, throw, or cause, or allow to be placed or thrown, any liquid or **waste** into any wetland, lake, pond or fountain which interferes with the wetland, lake, pond or fountain;
- (k) play, engage in or practice any game, sport, or activity, or use any facilities or spaces, (whether or not a **permit** has been issued under this **Local Law**), in a manner that is:
 - (i) dangerous to any person or property; or

- (ii) likely to interfere with the reasonable use and enjoyment of the **Council reserve** by any other person.

19. Activities which may be permitted in a **Council reserve**

A person must not, without a **permit**, in or on a **Council reserve**:

- (a) ride or drive a **vehicle** or horse except for -
 - (i) parking a **vehicle** in an area specified for the parking of **vehicles**;
 - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
 - (iii) riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the **Council reserve** by any other person;
 - (iv) on a **road** or bicycle path;
- (b) light a fire or allow any fire to remain alight except in a barbecue provided by the **Council**;
- (c) pitch, erect or occupy any camp, tent, caravan, mobile dwelling or any other temporary structure or camp in a **motor vehicle**;
- (d) hold a circus, carnival, festival, fete, or other event intended for members of the public to attend;
- (e) operate any device that has a purpose of amplifying voice, music or other noise;
- (f) operate, allow to be operated, any drone;
- (g) conduct a commercial fitness, exercise or personal training business;
- (h) use the Council reserve for a commercial purpose.

Part 4. Consumption of Liquor in Public Places

20. Liquor

- (1) A person must not, without a **permit**:
 - (a) consume any **liquor**; or
 - (b) have in their possession or control any **liquor** other than **liquor** in a sealed container-
in a prescribed place or in or on a vehicle which is in or at a prescribed place.
- (2) Sub-clause (1) does not apply in places which are:
 - (a) licensed premises within the meaning of the *Liquor Control Reform Act 1988*;
 - (b) an area in which the consumption of **liquor** is permitted in accordance with a licence granted under the *Liquor Control Reform Act 1988* or this **Local Law**; or
 - (c) an area in which **Council** has issued a **permit** for the consumption of **liquor**; or
 - (d) on any day during the period specified and, in the area specified in a notice signed by the **Council's** Chief Executive Officer as being the area and period during which **liquor** may be possessed and consumed.
- (3) If an **Authorised Officer** believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), the **Authorised Officer** may direct the person to seal any container or dispose of the contents of any unsealed container.
- (4) A person who fails to comply with a direction of an **Authorised Officer** under sub-clause (3) is guilty of an offence.
- (5) Council may prescribe any area to be a 'prescribed area' for the purpose of this Local Law including:
 - (a) On any day or between dates;
 - (b) On any time or between times;
 - (c) Or any other way.

Part 5. Specific Activities

21. Signs, goods, and furniture

- (1) A person must not, without a **permit**:
 - (a) place, erect, hang, or affix any **advertising sign** or other thing on or above a **road** or **Council Land**; or
 - (b) place a mobile billboard on a **road** or **Council Land**; or
 - (c) place a mobile billboard on any other location which may interfere with the vision of a pedestrian or a driver of a vehicle
- (2) A person must not, without a **permit**, place or display or allow to be placed or displayed any goods on a **road** or **Council Land**.
- (3) A person must not, without a **permit**, place or allow to be placed or occupy any **road** or **Council Land** any seat, umbrella, table, chair or any other furniture or any other thing.
- (4) If an **Authorised Officer** believes on reasonable grounds that a person is contravening or has contravened sub-clause (1), (2) or (3), the **Authorised Officer** may direct the person to remove the item or thing from the **road** or **Council Land**.
- (5) A person who fails to comply with a direction of an **Authorised Officer** under sub-clause (4) is guilty of an offence.

22. Open air performances and busking

- (1) A person must not, without a **permit**, in or on a **public place** for reward:
 - (a) play a musical instrument, sing, give a recitation or perform any conjuring, juggling, puppetry, mime or dance or any other entertainment or do any of those things concurrently; or
 - (b) draw any message, picture or representation on a wall or pavement surface.
- (2) Council may exempt any person or class of persons or any form of busking from the requirement of a permit.

23. Aerosol spray paint containers

- (1) A person who owns, operates, or manages a business that **sells** an aerosol spray paint container is guilty of an offence if there is a failure to comply with sub-clause (2).
- (2) All aerosol spray paint containers must be stored or displayed in a locked display cabinet which is not accessible to the public without the assistance of a person employed by the business.

24. Clothing recycle bins

- (1) A person must not, without a **permit**, place a clothing recycling bin on a **road** or **Council Land**.
- (2) A person must not, without a **permit**, place a clothing recycling bin on any **private land**.
- (3) A person must not:
 - (a) interfere with a clothing recycling bin; or
 - (b) deposit goods near or around a clothing recycling bin; or
 - (c) remove the contents of a clothing recycling bin unless the person is an employee, agent or contractor of the person who placed the bin.

25. Charitable collections

- (1) A person must not, without a **permit**, solicit or collect a gift of money or subscription or **sell** a raffle ticket in or on a **Public Place**.
- (2) A person must not allow, cause, instruct or authorise another person to solicit or collect a gift of money or subscription or **sell** a raffle ticket in or on a public place in contravention of sub-clause (1).

26. Distribution of notices, advertising material and selling of goods

- (1) A person must not, without a **permit**, in a **Public Place** or from **private land** adjacent to a **Public Place**, **sell goods** or solicit or try to attract trade or business or tout or spruik or allow any person to solicit or try to attract trade or business or tout or spruik.
- (2) A person must not, without a **permit**, **sell** any **good** or service on or in a **Public Place** or from **private land** adjacent to a **Public Place** to a person in a **Public Place**.
- (3) A person must not, without a **permit**, display or distribute to any person any handbill in or on a **Public Place** or allow that to occur.

27. Shopping trolleys

- (1) A person must not leave or cause to be left or authorise another person to leave a shopping trolley on any **road** or **Council Land** other than in an area specifically designated for storing shopping trolleys.
- (2) An **Authorised Officer** or person engaged by **Council** may seize and impound any shopping trolley that is being made available for use, or which is being used, in contravention of this **Local Law**.
- (3) As soon as practicable after the impoundment of any shopping trolley an **Authorised Officer** must, if the identity of the person who owns the shopping trolley can be identified, serve a notice of impoundment on that person.

- (4) Any impounded shopping trolley must be returned to the owner of that shopping trolley after:
 - (a) payment of any fees, as determined from time to time by **Council**, has been paid in full; and
 - (b) evidence of ownership of the shopping trolley is provided to the satisfaction of the **Authorised Officer**.
- (5) Any impounded shopping trolley not claimed by the owner within the time specified on the notice of impoundment or within 14 days of the impounding, where the owner of the trolley cannot be ascertained, may be disposed of by an **Authorised Officer**.

28. Fireworks

- (1) A person must not, from any land outside the urban growth boundary, light or discharge any fireworks.
- (2) The urban growth boundary is depicted as red on the map at Schedule 1 to this Local Law.
- (3) A person must not, from any land within the urban growth boundary, light to discharge any fireworks, without applying for and obtaining a permit.

29. Scare guns

- (1) An **owner** or **occupier** of land which is within a rural zone must not, without a **permit**, use or allow the use of scare guns (including scatter guns and gas guns) on the land.
- (2) An **owner** or **occupier** of land which is not in a **rural zone** must not use or allow the use of scare guns (including scatter guns and gas guns) on the land.

Part 6. Animals

30. Collection and disposal of animal excrement

- (1) A person who is in apparent control of any animal in or on a **Public Place** must immediately remove that animal's excrement and dispose of it as litter in a lawful manner.
- (2) A person in apparent control of any animal in a **Public Place** must carry a **Litter Device** suitable to clean up and remove any excrement left by their animal and must produce that **Litter Device** upon request of an **Authorised Officer**.
- (3) A person who fails to produce a **Litter Device** when requested to do so is guilty of an offence.
- (4) A person who is in apparent control of any **livestock** in or on a **Public Place** must remove that livestock's excrement from any surface designed for and used by pedestrians.
- (5) A person must not wash, sweep or place animal excrement onto a **road**.

31. Keeping animals

- (1) An **owner** or **occupier** of **private land** must not, without a **permit**, keep or allow to be kept on that land at any time, any more than the number of each type of animal as set out in the table below:

Maximum permitted animals without a permit

Column 1 – Type of animals	Column 2 – Land less than 1000m ²	Column 3 – Land sized 1000m ² to 4000m ²	Column 4 – Land greater than 4000m ²
Dogs	2	2	2
Cats	2	2	2
Large birds (pigeon, cockatoo or other bird of similar or larger size but does not include poultry)	5	10	10
Poultry	5	10	24
Roosters	0	0	1

Other livestock	0	0	Not limited by this Local Law
MAXIMUM TOTAL OF ANIMALS OF ANY KIND	20	20	Not limited by this Local Law

(2) For the purposes of subclause (1), none of the following animals is to be counted:

- (a) any bird or poultry (other than a rooster) that is less than 12 weeks old; or
- (b) any dog or cat that is less than 3 months old.

32. Animal buildings and cleanliness

- (1) An **owner** or **occupier** of **private land** must not erect or use or allow the erection or use of a kennel (including any fenced area used as a run) that is within 1 metre from the boundary of any adjoining land.
- (2) An **owner** or **occupier** of **private land** must not erect or use or allow the erection or use of a poultry house or pigeon loft within 10 metres from any neighbouring building used as a dwelling.
- (3) An **owner** or **occupier** of **private land** must not keep any poultry other than in a poultry house and any pigeons other than in a pigeon loft.
- (4) An **owner** or **occupier** of any **private land** on which an animal is kept must ensure that the part of the land on which the animal is kept, or which is used by the animal is:
 - (a) maintained in a clean, inoffensive, and sanitary condition; and
 - (b) maintained so as not to cause a nuisance to any person or to be offensive.
- (5) An **owner** or **occupier** of any **private land** on which an **animal** is kept must ensure that the **animal** is provided with adequate:
 - (a) clean drinking water; and
 - (b) sustenance; and
 - (c) shelter.
- (6) An **owner** or **occupier** of **private land** on which any animal is kept must ensure that all food for consumption by the animal (except hay) is kept or stored in a rodent-proof receptacle or rodent-proof building.

33. Animal noise

An **owner** or **occupier** of any **private land** on which an animal is kept must ensure that the animal is not a nuisance.

34. Feeding of Wild Birds

- (1) An **owner** or **occupier** of any land must not cause a nuisance by feeding or allowing a person or causing a person to feed any bird.
- (2) For sub-clause (1), 'land' means **private land** which is specified in the **Procedure and Protocol Manual**.

35. Bees and Wasps

- (1) An **owner** or **occupier** of **private land** on which bees are kept must comply with the Apiary Code of Practice.
- (2) An **owner** or **occupier** of **private land** on which bees are kept must ensure that the bees are not a nuisance.
- (3) An **owner** or **occupier** of land must upon becoming aware of the existence of a non-native wasp nest on the land or at the direction of an **Authorised Officer**:
 - (a) take steps to cause the removal of the wasp nest; and
 - (b) the wasp nest is removed by an appropriate contractor.

36. Dead Livestock

An owner or occupier of land must ensure that dead **livestock** is not a nuisance or detrimentally affect the amenity of the area.

Part 7. Land Use and Amenity

37. Alarm systems

- (1) An **owner** or **occupier of private land** or the owner of a **motor vehicle** must not:
 - (a) install or place (or allow that to occur) on that land or in that motor vehicle an audible alarm that when activated is audible outside the land or motor vehicle for more than 10 consecutive minutes; or
 - (b) allow an audible alarm to be audible for more than 10 consecutive minutes or more than 10 minutes within a period of one (1) hour.
- (2) An **owner** or **occupier of private land** must not emit light from lighting on that land to be a nuisance.

38. Unsightly and dangerous land

- (1) An **owner** or **occupier of private land** must not cause or allow the land:
 - (a) to be kept or used in a manner which is dangerous or likely to cause danger to health, life; or property; or
 - (b) to be unsightly.
- (2) An **owner** or **occupier of private land** must not cause or allow the land to contain **noxious weeds, environmental weeds**, excessive vegetation growth or be a haven for vermin or insects.
- (3) An **Authorised Officer of Council** may require an **owner** or **occupier** of any **private land** in contravention of this clause to erect temporary fencing around the boundary of the land.

39. Obstruction to visibility

The **owner** or **occupier of private land** must ensure that any tree, shrub, hedge or other vegetation or structure, container or other thing does not obstruct the clear view:

- (a) of any pedestrian using the footpath; or
- (b) of any driver of a vehicle or any other vehicles, any pedestrian or traffic control sign.

40. Overhanging and encroaching vegetation

An **owner** or **occupier** of **private land** must not allow a tree, shrub, hedge, or other vegetation on that land:

- (a) to overhang a **road**, at a height of less than four metres from the surface of the **road**, or
- (b) to encroach on a **road** or **Council Land**.

41. Chimneys and other nuisances

- (1) An **owner** or **occupier** of **private land** must ensure that a chimney does not discharge dust, grit, ashes, smoke, or odour that is unreasonable.
- (2) An **owner** or **occupier** of **private land** must ensure that the amenity of the area is not detrimentally affected by:
 - (a) the emission of odours, dust, or particles of fertiliser or compost; and
 - (b) flies or other disease vectors on the land.

42. Containment and disposal of swimming pool wastewater

An **owner** or **occupier** of **private land** must ensure that any wastewater or backwash water from a swimming pool filtration system is disposed of:

- (a) in the sewer (if available on the land); or
- (b) on the land on which the swimming pool is located.

43. Incinerators

An **owner** or **occupier** of **private land** must not use or allow to be used any incinerator on that land.

44. Open air burning

- (1) An **owner** or **occupier** of **private land** that is less than 0.4 hectare must not, without a **permit**, carry out open air burning.
- (2) An **owner** or **occupier** of **private land** that is greater than 0.4 hectare may carry out open air burning provided:
 - (a) the open air burning is for fuel reduction for fire prevention; and
 - (b) the open air burning is not carried out during the **fire danger period**, on total fire ban days or at any other time the Country Fire Authority declares fire restrictions; and

- (c) the person has given prior notification to Emergency Services Telecommunications Authority; and
- (d) the fuel when burnt does not emit an odour or smoke that is noxious or offensive or otherwise creates a hazard; and
- (e) reasonable measures are taken by the person to advise neighbouring landowners and occupiers at least 24 hours beforehand; and
- (f) the distance from the outer extremity of the fire to any other fuel is at least three metres, including above the fire; and
- (g) the wind at the site of the fire does not exceed 19 kilometres per hour; and
- (h) adequate measures are taken to ensure the open air burning is confined to the land; and
- (i) materials to be burnt are not plastic, rubber, chemicals, petroleum- based products, painted or treated timber, furniture, strippers, resins, batteries, glues and aerosol cans, green or wet vegetation; and
- (j) materials must not be brought onto the property for the purposes of burning off; and
- (k) there is always an adequate number of persons and supply of tools and water supply available to control the fire and prevent it spreading or escaping.

45. Large fires and multiple fires

- (1) An **owner** or **occupier** of land that is less than 0.4 hectare must not carry out the burning of **large heap** or multiple fires on the land.
- (2) An **owner** or **occupier** of land that is 0.4 hectare or more may carry out the burning of **large heap** or multiple fires provided that:
 - (a) all conditions in clause 44 (2) are met; and
 - (b) any large heap or multiple fires does not pose a danger to any person or neighbouring property at any time;
 - (c) the person has given prior notification to Emergency Services Telecommunications Authority.

46. Bulk waste containers

- (1) A person must not, without a **permit**, leave or allow to be left any skip bin or other bulk **waste** container on a **road** or **Council Land**.
- (2) If a skip bin or other bulk waste container is placed on a **road**, the owner of the skip bin or bulk waste container is guilty of an offence.

- (3) The person who operates a skip bin business must ensure that all skip bins or other bulk **waste** containers have the name of the operator of the business and the contact telephone number legibly and permanently displayed on the body of the skip bin or container.

47. Use of recreational vehicles

A person must not, without a **permit**, on **private land**, use a **recreational vehicle**, or allow a **recreational vehicle** to be used.

48. Toy vehicles

- (1) A person must not:
- (a) leave a **toy vehicle** on a **road** or in a **public place**;
 - (b) use a **toy vehicle** in a manner which interferes with other persons use of a **road** or **public place**.
- (2) A person must not allow another person under their care or control to use or leave a **toy vehicle** in contravention of sub-clause (1).

49. Repair and sale of vehicles on roads and council land

A person must not, without a **permit**, on any **road** or **Council Land**:

- (a) park or cause a **vehicle** to be parked or left for the purpose of exposing or displaying that **vehicle** for sale; or
- (b) dismantle, paint, or repair any **vehicle** (except where necessary to repair the vehicle to move it from the **road**).

50. Identification of Premises

- (1) **Council** may from time to time allot a number to any land and may from time to time change the numbering.
- (2) The **owner** or **occupier** of land to which a number has been allotted by the **Council** must mark the land with the number in a form and of sufficient size and in an unobstructed position to be clearly visible and legible from the adjacent **road**.
- (3) The **owner** or **occupier** of an allotment must ensure that all numbers marking the land are:
- (a) made of durable materials; and
 - (b) kept in a good state of repair; and
 - (c) renewed as often as may be necessary.

- (4) A person must not display a number on or in connection with any land unless the number has been allotted to the allotment by the **Council**.

51. Caravans, movable and temporary dwellings

A person must not, without a **permit**, occupy a caravan, a camper trailer, a movable dwelling, a vehicle, or other temporary structure on private land for more than 30 calendar days per year.

52. Shipping containers

The **owner** or **occupier** of any land must not, without a **permit**:

- (a) place; or
- (b) cause or allow to be placed-
a shipping container on the land.

53. Protection of Amenity Trees

- (1) A person must not, without a **permit**, on **private land**:

- (a) remove, destroy, damage, interfere with or kill a **substantial tree**;
- (b) direct, authorise, or allow another person to remove, destroy, damage, interfere with or kill a **substantial tree**.

- (2) Sub-clause (1) does not apply to:

- (a) a person whose actions are authorised under a Planning Permit issued under the **Planning Scheme**;
- (b) a person whose actions are required by any other legislation or by any other statutory authority or this **Local Law**; or
- (c) a person acting in accordance with an instruction or direction from an **Authorised Officer**.

- (3) If a tree is interfered with in any of the circumstances specified in contravention of sub-clause (1), the owner of the **private land** on which the **substantial tree** is located is guilty of an offence, whether the person who contravened sub-clause (1) is identified or prosecuted.
- (4) A person must not, without a permit, remove, destroy, damage, interfere with or kill any part of a **substantial tree** that overhangs into the **private land** of that person.

Part 8. Waste Disposal

54. Commercial Waste Collection

- (1) A person must not collect commercial **waste** other than between the following times:
 - (a) if the collection is once per week, between the hours of 6:30 am – 8 pm Monday to Saturday and 9 am – 8 pm Sunday and public holidays; or
 - (b) if the collection is two or more collections per week, between the hours of 7 am – 8 pm Monday to Saturday and 9 am – 8 pm Sunday and public holidays.
- (2) A person who collects commercial **waste** must not carry out the action of compacting the waste whilst the vehicle is stationary.
- (3) An **occupier** of commercial premises must ensure that the waste bins used for the commercial premises are located so that they do not impact on occupiers of residential premises.

55. Domestic waste collection, and recyclable materials

- (1) An **occupier** of a dwelling must comply with the requirements of the Procedure and Protocol Manual in relation to Council waste services.
- (2) A person must not deposit **waste** or other matter in another person's bin.
- (3) A person must not deposit in any bin supplied by **Council**:
 - (a) hazardous **waste** or chemicals; or
 - (b) hot ashes or hot material; or
 - (c) a gas bottle or any container of pressurised gas; or
 - (d) building or renovation waste including soil, bricks or rubble; or
 - (e) medical **waste**, veterinary **waste** or syringes; or
 - (f) e-waste, including computers and electrical components and batteries; or
 - (g) tyres.
- (4) A person must not damage or destroy any bin supplied by **Council**.
- (5) A person must not remove or interfere with any recyclable material left out on a **road** or at any other collection point which is to be collected by **Council** or its contractor.
- (6) An **occupier** of land must not place a bin supplied by **Council** in a place that:
 - (a) obstructs the free use of the **road** by **motor vehicles**, or
 - (b) obstructs the free use of a footpath by pedestrians.
- (7) An **owner** or **occupier** of land must ensure that:

- (a) any bin supplied by **Council** is kept in good order and in a clean, sanitary, inoffensive condition or is not a nuisance to other residents; and
 - (b) any bin supplied by **Council** is stored within the land to which it is allocated; and
 - (c) any bin supplied by **Council** is not overfilled so that the lid is prevented from being closed; and
 - (d) any **waste** that has spilled onto a road is collected and appropriately disposed of.
- (8) **Council** or an **Authorised Officer** may, by notice in writing, direct the **owner** or **occupier** of land to:
- (a) install;
 - (b) repair;
 - (c) replace; or
 - (d) modify -
- a fence or other means of screening bins if the bins are unsightly, dangerous, or detrimental to the general amenity of the area.
- (9) An **owner** or **occupier** of land must ensure that emptied bins are returned to within the land within 24 hours after emptying.

56. Transportation of waste

A person must not convey or cause to be conveyed in any **motor vehicle** on any **road** any **noxious weeds**, manure, dead animal or remains, offal, bones, hides, skins, offensive matter, refuse, rubbish, or other **waste** unless the **motor vehicle** is constructed, fitted, loaded and covered so that:

- (a) no leakage occurs or matter is dropped or deposited on any **road**;
- (b) the escape of offensive odours is minimized.

57. Use of Council recycling centre

- (1) A person who uses the **Council recycling centre** must comply with the requirements in the Procedure and Protocol Manual.
- (2) A person who is not a **Council** employee must not remove material of any kind which has been deposited at the **Council recycling centre**.

58. Hard Waste Collections

An **owner** or **occupier** of **private land** must comply with the requirements of the Procedure and Protocol Manual in relation to a **hard waste collection**.

Part 9. Protection and Management of Council Assets and Infrastructure

59. Actions affecting council land

A person must not, without a **permit**:

- (a) destroy, deface, damage or interfere with any **Council Land**; or
- (b) occupy or fence off any part of the **Council Land**; or
- (c) construct landscaping works or retaining walls on **Council Land**; or
- (d) erect a hoarding or overhead protective awning on **Council Land**; or
- (e) use a mobile crane or travel tower or other equipment or machinery on **Council Land**; or
- (f) make a hole or excavation or reinstate a hole or excavation on **Council Land**; or
- (g) leave or place any building materials or equipment on **Council Land**; or
- (h) leave any **waste** or debris or any other thing on **Council Land**; or
- (i) plant any tree or other vegetation on **Council Land**; or
- (j) remove or damage any tree or vegetation on **Council Land**.

60. Maintenance of drains

The **owner** or **occupier** of any land must ensure that any drain, gutter, downpipe, or associated infrastructure on the land or which drains from the land and connects to a drain owned or managed by **Council** is maintained:

- (a) in a condition that is not dangerous to health, unsightly or a nuisance; and
- (b) in a working condition.

61. Stormwater drainage connections under the footpath

- (1) An **owner** or **occupier** of land must ensure that any stormwater pipe that carries stormwater from the land to a **Council** drain is properly constructed and always maintained.
- (2) The **owner** or **occupier** of land must ensure that all buildings on the land are connected to the stormwater drainage system at the legal point of discharge specified by **Council**.

62. Protection of drains

A person must not, without **permit**:

- (a) destroy, or
- (b) damage, or

- (c) interfere with; or
- (d) tap into; or
- (e) cover or obscure-

any drain vested in the **Council**.

63. Protection of roads

- (1) A person must not, without a **permit**:
 - (a) occupy or fence off any **road** or part of **road**; or
 - (b) erect a hoarding or scaffolding on a **road**; or
 - (c) use a mobile crane or travel tower for any work on a **road**; or
 - (d) make a hole or excavation in a **road**; or
 - (e) fill a hole or excavation in a **road**; or
 - (f) remove, damage, or interfere with a temporary traffic signal, sign, barrier, or other structure erected to protect pedestrians or regulate traffic on a **road**.
- (2) An **Authorised Officer** may impound any equipment, fence, hoarding, scaffolding, or other thing that is in contravention of sub-clause (1).
- (3) For this clause a '**permit**' is evidence of a consent under the *Road Management Act 2004*.

64. Protection of Vegetation

- (1) A person must not, without a **permit**, on any **Council Land** or **road** remove any tree or vegetation, including dead trees and fallen timber, other than to prevent the spread of declared **noxious weeds** pursuant to the provisions of the *Catchment and Land Protection Act 1994* and those weeds are listed in the incorporated document '*Nillumbik Live Local Plant Local – Nillumbik Shire Council, August 2014*'.
- (2) Sub-clause (1), does not apply to the removal of any tree or vegetation from a **road** if it is:
 - (a) for the purpose of maintenance and mowing of nature strips comprising exotic vegetation, that is, vegetation which is not native to Australia, within urban areas, where there is kerb and channel drainage construction; or
 - (b) removal of vegetation that has fallen onto the **road** from abutting **private land**; or
 - (c) removal of fine fuels (which include dry grass, leaves, twigs and loose bark), but not larger logs or branches by **owners** or **occupiers** of abutting land for **fire hazard** reduction purposes; or

- (d) removal of dead vegetation (including dead indigenous vegetation) up to 1.5 m in height provided that the section of the **road** is not classified as High Conservation Significance in the Procedure and Protocol Manual; or
- (e) removal of vegetation for fire hazard reduction purposes when in accordance with a fire prevention notice issued by the Council Fire Prevention Officer or an Assistant Fire Prevention Officer under section 41 of the *Country Fire Authority Act 1958*, or
- (f) activities undertaken by 'Friends Of', Landcare Groups and community fireguard groups in accordance with a land management agreement approved by **Council**.

65. Vehicle crossings

- (1) The **owner** or **occupier** of any land must ensure that:
 - (a) each point of **vehicle** access to that land from a **road** has a vehicle crossing constructed to the satisfaction of **Council**; and
 - (b) no **vehicle** enters or leaves the land except by using the vehicle crossing; and
 - (c) any redundant vehicle crossing is removed if directed in writing by **Council**.
- (2) An **owner** or **occupier** of land must not, without a **permit**, temporarily construct, remove, or alter a vehicle crossing.
- (3) For this clause a '**permit**' is evidence of a consent under the *Road Management Act 2004*.

66. Asset protection permits

- (1) If a building permit is required for **building work** on land and that **building work**, person or class of persons has not been exempted:
 - (a) the **owner** of the relevant land; or
 - (b) the **builder** engaged to carry out **building work** on the land; or
 - (c) any **appointed agent**; or
 - (d) any demolition contractor engaged to demolish a building or structure or any other object on the land as part of the **building work**
 must:

- (e) not carry out or allow to be carried out **building work** on that land unless an **Asset Protection Permit** has been obtained; and
 - (f) Pay any bond determined by the **Council** in accordance with the Procedure and Protocols Manual; and
 - (g) not carry out or allow to be carried out **building work** on that land in breach of any conditions of an **Asset Protection Permit**.
- (2) An **owner** of land, **builder**, **appointed agent**, or demolition contractor must comply with the requirements of the Procedure and Protocol Manual.

Part 10. Bend of Islands

67. Restriction on animals within Bend of Islands

- (1) The Bend of Islands is a unique area within the municipal district of Council. The ecology of the area is dominated with distinct understory vegetation of grasses, woody shrubs, orchids, vines and herbs. There are over one hundred (100) plus species of birds including two threatened species being the powerful and the barking owl. The object of the local law is to prohibit the keeping of domestic pets including dogs and cats and domestic livestock within the area of **Bend of Islands** to protect and preserve the unique ecology of the area.
- (2) An **owner** or **occupier** of **Land** must not keep a dog or cat on that **Land**.
- (3) A person must not:
 - (a) bring on any **Land**; or
 - (b) have in their possession on any **Land**-
any dog or cat.
- (4) An **owner** or **occupier** of **Land** must not keep any **domestic pet** or **livestock** on that **Land**.
- (5) A person must not:
 - (a) bring on **Land**; or
 - (b) have in their possession on Land-
any **domestic pet** or **livestock**.
- (6) In this section –
Bend of Islands means the area hatched on the attached at Schedule 2 of this document.
domestic pet includes goats, horses, donkeys and dingoes.
Land means any land that is within or partly within the boundary of Bend of Islands as shown in the map in the Procedure and Protocol Manual.

Part 11. Requirements of Building Sites

68. Hours of building work

A person must not, without a **permit**, carry out or allow to be carried out, **building work**:

- (a) Before 7am or after 6pm on any day or days between Monday to Friday (inclusive); or
- (b) Before 9am or after 3pm on a Saturday; or
- (c) on a Sunday; or
- (d) on Anzac Day, Good Friday, Christmas Day, or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday.

69. Stormwater protection

Where any **building work** is being carried out on any land, the **owner, builder, or appointed agent** must ensure that any contaminated water including:

- (a) run off of chemicals, sediments, concrete, soil, wash down, animal waste or other pollutants; and
- (b) water used to wash down and clean equipment- does not enter the storm water system.

70. Containment of refuse

- (1) Prior to the commencement of any **building work** and continuing until the **completion of the building work**, the **owner, builder or appointed agent**:

- (a) must provide a **facility** for the purpose of disposal of refuse and **waste** that may be wind-blown; and
- (b) must place the **facility** on the land and keep it in place (except for such periods as are necessary to empty the facility); and
- (c) must not place the **facility** on any **Council Land** or **road** unless with a **permit**; and
- (d) must empty the **facility** whenever full and, if necessary, provide a replacement **facility** during the emptying process; and
- (e) must ensure that all refuse and **waste** in or on the land that may be wind-blown is placed in the **facility**.

- (2) An **owner, builder or appointed agent** must remove all refuse and **waste** from the land where the **building work** is being undertaken, within 21 days of the **completion of building work**.

- (3) For this clause, '**facility**' means a suitable receptacle for refuse and **waste** and capable of retaining the refuse and waste on the land on which the facility is located.
- (4) For this clause '**completion of building work**' means:
 - (a) in relation to **building work** that requires an occupancy permit to be issued, the date the occupancy permit is issued; or
 - a) in relation to **building work** that requires a certificate of final inspection to be conducted, the date the final inspection is conducted.

71. Building site fencing

- (1) This clause only applies to **building work** on land that is in a residential zone, commercial zone, activity centre zone or industrial zone, and is less than 1500m² in size.
- (2) An **owner, builder** or **appointed agent** engaged in **building work** must ensure that the land has **adequate site fencing**.
- (3) For this clause, '**adequate site fencing**' means a fence or gate of a temporary or permanent nature, that:
 - (a) extends to a height of not less than 1500mm; and
 - (b) can prevent refuse and **waste** from being blown from the land by wind; and
 - (c) has only one **vehicle** access opening that:
 - (i) has a width of no greater than 2800mm; and
 - (ii) is fitted with a gate with a height of not less than 1500mm which prevents refuse and waste from being blown from the land; and
 - (iii) is located to correspond with a vehicle crossing for the land; and
 - (d) does not obstruct or encroach upon any **road**; and
 - (e) is sufficiently secure to withstand strong winds; and
 - (f) does not pose a risk to persons, property, or vehicles.
- (4) For this clause, residential zone, commercial zone, activity centre zone or industrial zone means those zones in the **Planning Scheme**.

72. Sanitary facilities on building sites

- (1) Prior to the commencement of any **building work**, and continuing to the **completion of building work**, the **owner, builder, or appointed agent** must provide a sewerage toilet or a fresh water flushing portable toilet and ensure that it is serviced and available for the use of the persons on that site.

- (2) An **owner, builder or appointed agent** may provide a sewerer toilet or a fresh water flushing portable toilet on an adjacent site under the control of the **owner, builder, or appointed agent**, provided that:
 - (a) no more than 3 adjacent building sites rely on the same sewerer toilet or fresh water flushing toilet, and
 - (b) access to the sewerer toilet or fresh water flushing toilet is available for any person working on any of the three adjoining sites.
- (3) The **owner, builder or appointed agent** must advise **Council** within 7 days of the installation of a sewerer toilet and obtain **Council** written consent prior to removing the toilet from the land.
- (4) For this clause '**completion of building work**' means:
 - (a) in relation to **building work** that requires an occupancy permit to be issued, the date the occupancy permit is issued; or
 - (b) in relation to **building work** that requires a certificate of final inspection to be conducted, the date the final inspection is conducted.

73. Identification of building sites

- (1) Prior to the commencement of any **building work** and continuing to the **completion of building work**, the **owner, builder or appointed agent** must erect and maintain a sign at the main entrance of the **building site** which:
 - (a) is at least 600 millimetres in height and 400 millimetres in width; and
 - (b) is placed in such a location as to be clearly visible and legible from the **road**; and
 - (c) contains the lot number of the site as described in the relevant certificate of title; and
 - (d) identifies the name, postal address and a business hours contact telephone number or numbers of the person in charge of the **building work**; and
 - (e) identifies the **Asset Protection Permit** number applicable to the **building work**.
- (2) If, prior to the completion of the **building work**, there is a change of **builder**, the **owner** must, within seven days of that change,
 - (a) give written notice to the **Council**; and
 - (b) cause any sign erected in accordance with sub-clause (1) to be replaced or amended so that the identification of the name, postal address and contact number or numbers of the person in charge of the **building work** is correct and up-to-date.

74. Equipment and materials delivery

- (1) A person must not deliver to land for which building work is being undertaken any equipment or materials unless an **Asset Protection Permit** has been issued for the land.
- (2) A person must deliver to any land any equipment or materials for **building works** directly from the **road**, over the **vehicle crossing** to the land.

Part 12. Administration of the Local Law

75. Council may issue permits

- (1) The **Council** may decide to:
 - (a) grant a permit;
 - (b) refuse to grant a permit;
 - (c) grant a permit with conditions; or
 - (d) determine that no permit is required.
- (2) An application for a **permit** must be in the form and provide the information as prescribed by **Council**.
- (3) An application for a **permit** must comply with the Procedure and Protocol Manual.
- (4) The **Council** may from time to time:
 - (a) prescribe, regulate or determine the purposes for which and the conditions on which **Council** may-
 - (i) grant a permit, licence, authority, or registration; or
 - (ii) perform or supply a service; or
 - (iii) supply any goods or information; and
 - (b) prescribe the manner and form in which an application may be made for a **permit**, licence, authority or registration; and
 - (c) prescribe the fee which is payable for the granting, renewal or transfer of a permit, licence, authority, or registration; and
 - (d) adopt any policy that may apply to **permits** being issued, or the refusal to issue a **permit**; and
 - (e) determine any other matter related to issuing **permits** under this **Local Law**.
- (5) The **Council** may request further information prior to issuing, or refusing to issue, a **permit**.
- (6) The **Council** may require that notice of an application for a **permit** is publicized or otherwise brought to the attention of any affected person, at the expense of the applicant.
- (7) Unless it is extended sooner, a **permit** expires on the date specified in the **permit** or if no date is specified the **permit** will expire one year after the date of issue.
- (8) A **permit** will be in the form approved by **Council** from time to time and may include any condition which **Council** considers to be reasonable and appropriate, including one or more of the following:

- (a) a requirement that a security bond, release, indemnity or guarantee (in a form specified) be lodged with or given to **Council** to secure the proper performance of the **permit**; or
 - (b) a requirement that notice be given to **Council** as and when the activities authorised by the **permit** will be carried out or will occur; or
 - (c) a time limit on the **permit** or on the activities authorised by it; and
 - (d) provision for the extension of the **permit**; or
 - (e) the payment of a fee or charge; or
 - (f) a standard to be applied; or
 - (g) that the **permit** is conditional on the happening of a certain event or prerequisite; or
 - (h) that the **permit** is conditional upon the rectification, remedying or restoration of any situation or circumstance; or
 - (i) Where the applicant is not the owner of the relevant premises, that the consent of the owner be obtained.
- (9) Unless otherwise stated in the **permit**, it:
- (a) authorises only the person or persons named on the **permit** to carry out the activity authorised by the **permit**, including by engaging contractors or appointing agents; and
 - (b) Is not transferable.

76. Correction amendment, cancellation and suspension of a permit

- (1) **Council** may correct a **permit** if the **permit** contains:
- (a) a clerical mistake or an error arising from any accident, slip or omission; or
 - (b) a material miscalculation of figures or a material mistake in the description of any person, premises, thing, or property referred to in the permit.
- (2) The **Council** must note the correction in the record of **permits**.
- (3) **Council** may cancel, suspend, or amend any **permit** at any time if there is:
- (a) a material misrepresentation or concealment of fact in relation to the application for the **permit**; or
 - (b) any material mistake in relation to the grant of the **permit**; or
 - (c) any change of circumstances which has occurred since the grant of the **permit**; or
 - (d) a hazard, danger or inconvenience to any other person, premises, thing or property because of the grant of the permit; or

- (e) any failure to comply with the conditions of the **permit** or any breach of this **Local Law**, including a failure to comply with a notice to comply; or
 - (f) a default in the payment of the **permit** or any bond or security by the **permit**-holder or their **agent**.
- (4) Prior to cancelling or amending a **permit** the **Council** must notify the holder of a **permit** of:
 - (a) the **Council's** intention to amend or cancel the **permit**, and
 - (b) the basis of the intended decision, and
 - (c) the **permit** holder's right to make a written submissions within a specified period before the **permit** is amended or cancelled.
- (5) The **Council** must consider any written submission made by the **permit** holder prior to deciding to cancel or amend the **permit**.
- (6) If the circumstances are urgent the **Council** may cancel, amend, suspend the permit without complying with sub-clause (4) and (5).
- (7) The **Council** must record the cancellation or amendment of the **permit** in the record of **permits** and must notify the **permit** holder in writing of the decision to cancel or amend the **permit**.

77. Fees and charges

- (1) **Council** may:
 - (a) by resolution determine a fee, charge, fare or rent in relation to any property, undertaking, good, service or other act, matter or thing; and
 - (b) prescribe, regulate, or determine the purposes for which and the conditions on which a **Council** may –
 - (i) grant a **permit**, licence, authority or registration; or
 - (ii) supply any goods or information.
- (2) **Council** may impose fees by providing for all or any of the following:
 - (a) specific fees;
 - (b) maximum or minimum fees; or
 - (c) maximum and minimum fees; or
 - (d) scales of fees according to the value of goods or services provided for the fees or the project being assessed; or
 - (e) the payment of fees either generally or under specified conditions or in specified circumstances; or
 - (f) the reduction, waiver or refund, in whole or in part, of the fees.

78. Delegation

- (1) In accordance with section 78 of the **Act**, **Council** hereby delegates to the Chief Executive Officer and **Authorised Officers** all the powers, discretions, authorities and considerations of **Council** under this **Local Law** including the powers, discretions, authorities and considerations to make a direction by Notice to Comply, the powers, discretions and authority to issue or refuse **permits**, fix conditions and directions relevant to **permits**, cancel or suspend **permits** require additional information, apply guidelines, standards or codes of practice of **Council**, waive the need for any **permit** or to do any act, matter or thing necessary or incidental to the exercise of any function or power by **Council**.

79. Exemption from the requirements of this Local Law

- (1) **Council** may, by written notice, exempt any person or class of persons from the requirement to obtain a **permit** either generally or at specified times.
- (2) Any person specified in the Procedure and Protocol Manual may be exempt from the requirement to obtain a **permit**.

Part 13. Enforcing this Local Law

80. Failure to comply with this Local Law, a permit or a notice to comply

- (1) A person is guilty of an offence if the person:
 - (a) does something which a provision of this **Local Law** prohibits to be done; or
 - (b) fails to do something which a provision of this **Local Law** requires to be done; or
 - (c) engages in activity without a **permit** where a provision of this **Local Law** prohibits a person from engaging in that activity without a **permit**; or
 - (d) breaches or fails to comply with a condition of a **permit**; or
 - (e) fails to comply with a notice to comply directed to that person, including a failure to comply within the time specified in the **notice to comply**; or
 - (f) fails to comply with any written direction given under this **Local Law**.
- (2) The maximum penalty that may be imposed for any **offence** against this **Local Law** is 20 penalty units.

81. Notices to comply

- (1) Where **Council** reasonably believes that a person has committed an offence against this **Local Law**, **Council** may issue to the person a written notice to comply, which contains any or all of the following:
 - (a) a direction to the person to stop the conduct constituting the offence; or
 - (b) a direction to the person to carry out the action required to comply with the **Local Law** or permit; or
 - (c) a direction to the person to carry out the action to remedy the contravention and any consequence of the contravention.
- (2) A notice to comply must contain the following particulars:
 - (a) the name of the person to whom the notice to comply is directed; and
 - (b) the address of the person that the notice to comply is directed to; and
 - (c) the offence, and the provision of this **Local Law** that is alleged to have been contravened; and
 - (d) the matters specified in sub-clause (1); and
 - (e) the time for compliance; and
 - (f) the date which the notice to comply was issued; and

- (g) the name and signature of the Council delegate issuing the notice to comply.
- (3) The time for compliance with a notice to comply issued under this **Local Law** must be reasonable in the circumstances, and what will be reasonable will vary depending on the matters to be remedied and the risks that the contravention poses.
- (4) In determining what is reasonable, **Council** will consider:
 - (a) the amount of work involved; and
 - (b) the degree of difficulty; and
 - (c) the availability of necessary materials or other items; and
 - (d) climatic conditions; and
 - (e) the degree of risk or potential risk to third parties and the public generally; and
 - (f) any other relevant factors.
- (5) A person who fails to comply with a notice to comply is guilty of an offence.

82. Power to act in urgent circumstances

Council may act to remedy any circumstance which threatens a person's life, health or property, or an animal, or to prevent any danger to the environment or any nuisance arising or damage to a **Council** asset, without serving a notice to comply, provided that:

- (a) the circumstance arises out of a person's use of **Council Land** or a **road** or failure to comply with a provision of this **Local Law**; and
- (b) **Council** considers the circumstances to be sufficiently urgent that the time necessary to serve a notice to comply or locate the person to serve a notice to comply is outweighed by the urgency of the circumstances; and
- (c) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
- (d) the person on whom a notice to comply would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

83. Impounding

- (1) **Council** may seize and impound anything which is, has been or is being used, possessed, placed on, or left in contravention of this **Local Law** or notice to comply.
- (2) Where a thing has been impounded under this **Local Law**, **Council** must, if it is practicable to do so, serve notice of the impounding personally, by email or by ordinary post on the person who appears to be the owner of the thing.

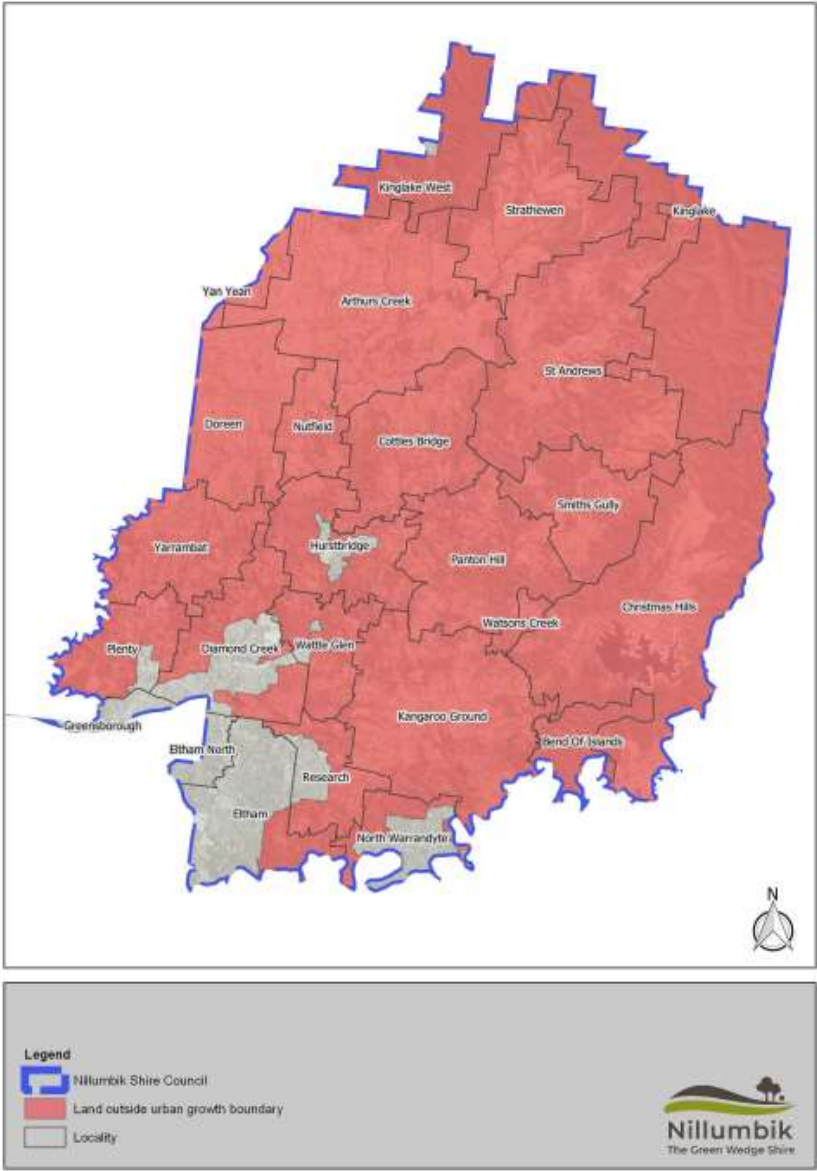
- (3) On receipt of evidence that, to **Council's** satisfaction, the person is the owner of the thing, and on payment of a fee determined by **Council**, an impounded thing must be given back to its owner or a person who is acting on the owner's behalf.
- (4) Where an impounded thing has not been claimed within 30 days of notice being given in accordance with sub-clause (2), or within 30 days of the thing being impounded if it is not practicable to serve notice of the impoundment in accordance with sub-clause (2) **Council** may:
 - (a) sell the impounded thing and retain so much of the proceeds of sale to reimburse **Council** for the costs of impounding and selling; or
 - (b) If the value of the impounded thing is less than the cost of selling it, donate it to a registered charity or local community group or dispose of it; and
 - (c) any proceeds of sale left after the costs of Council have been reimbursed are to be dealt with pursuant to the *Unclaimed Money Act 2008*.

84. Infringement notices

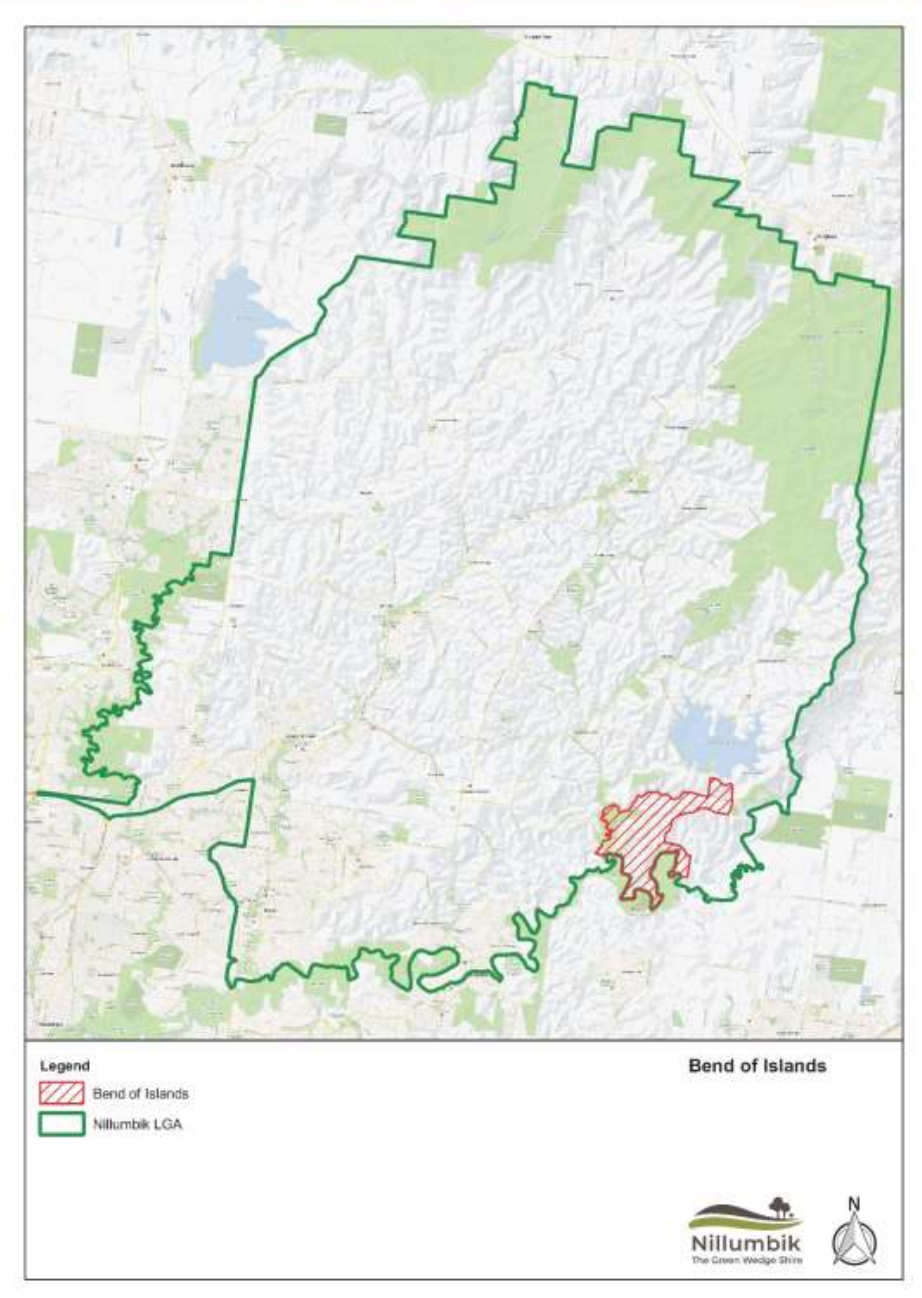
- (1) Where an **Authorised Officer** reasonably believes that a person has committed an offence against this **Local Law**, the **Authorised Officer** may serve on that person an infringement notice.
- (2) The infringement penalties fixed for offences against this **Local Law** are set out in Procedure and Protocol Manual and, if no penalty is fixed for a particular offence, the penalty is 5 penalty units for each offence.

Part 14. Schedules

Schedule 1 – Urban growth boundary map for Clause 28 – Prohibition of Fireworks



Schedule 2 - Map of Bend of Islands for Part 10



Nillumbik General Local Law 1

Version 1.1.

Nillumbik Draft General Local Law 1

Procedure and Protocol Manual

DRAFT



Table of Contents

Explanatory notes	5
Purpose of these Procedure and Protocol Manual	5
Ongoing review	5
Responsibilities	5
Exemptions	5
Permits	6
Document control	6
Amendments	6
Behaviour in or on Council Land	7
Behaviour in Council buildings	8
Activities prohibited in a Council reserve	9
Activities which may be permitted in Council reserves	10
Liquor in public places	11
Signs, goods, and furniture	13
Open air performances and busking	16
Aerosol spray paint containers	17
Clothing Recycling Bins	18
Charitable collections	20
Distribution of notices, advertising material and selling of goods	21
Shopping Trolleys	23
Fireworks	24
Scare guns	26
Collection and disposal of animal excrement	28
Keeping animals	29
Animal buildings and cleanliness	30
Animal noise	31
Feeding of Wild Birds	32
Bees and Wasps	33
Dead Livestock	34
Alarm systems	35
Unsightly and dangerous land	36
Obstruction to Visibility	37
Overhanging and encroaching vegetation	38
Chimneys and other nuisances	39
Containment and disposal of swimming pool wastewater	40

Incinerators	41
Open air burning	42
Large fires and multiple fires	44
Bulk Waste containers	45
Use of recreational vehicles	46
Toy vehicles	47
Repair and sale of vehicles on roads and council land	48
Identification of premises	49
Caravans, movable and temporary dwellings	50
Shipping containers	51
Protection of Amenity Trees	52
Commercial Waste Collection	56
Domestic waste collection, and recyclable materials	58
Transportation of waste	60
Use of Council recycling centre	61
Hard Waste Collections	62
Actions affecting council land	64
Maintenance of drains	65
Stormwater drainage connections under the footpath	66
Protection of drains	67
Protection of roads	68
Protection of Vegetation	69
Vehicle crossings	70
Asset protection permits	71
Restriction on animals within Bend of Islands	73
Hours of building work	74
Stormwater protection	75
Containment of refuse	76
Building site fencing	77
Sanitary facilities on building sites	78
Identification of building sites	79
Equipment and materials delivery	80
Council may issue permits	81
Correction amendment, cancellation and suspension of a permit	81
Fees and charges	82
Delegation	83

Exemption from the requirements of this local law	83
Failure to comply with this Local Law, a permit or a notice to comply.....	84
Notices to comply.....	85
Power to act in urgent circumstances.....	86
Impounding	87
Infringement Notice	88
Schedule 1.....	89
Penalties	89

DRAFT

Acknowledgement of Country

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

If you require this document in another format, email nillumbik@nillumbik.vic.gov.au or phone 9433 3111.

Explanatory notes

Purpose of these Procedure and Protocol Manual

This Procedure and Protocol Manual shows why the Nillumbik General Local Law 1 prohibits or regulates some common activities which affect the amenity of the Shire. They explain how the Council and staff will administer the various controls and how decisions are made. Each Procedure or Protocol states the purpose of the relevant control.

Ongoing review

The Local Law review and community consultation process is extensive and lengthy. This Procedure and Protocol Manual supplements the Nillumbik General Local Law 1 and provide procedures which can be readily updated by resolution of Council, to reflect the changing needs of the community and its expectations as to amenity.

The Council intends that this Procedure and Protocol Manual be kept under constant review by Council, Management, staff, community groups and individuals who are affected or interested by the issues addressed in the Amenity Local Law.

Responsibilities

Each Procedure or Protocol nominates which Council Officers have responsibilities. The particular functional responsibilities in each category are:

Policy Management	Administration	Enforcement
Local Law and Procedure and Protocol Manual Review	Public information and enquires	Public education
Interpretation	Applications	Surveillance
Monitoring Effectiveness	Permits and fees	Issuing directions
Community Education	Registers	Infringement notices
Prevention Programs	Records	Withdrawal notices
Coordinating the Policy, Administration and Enforcement Tasks	Correspondence	Interviews
Internal and External Liaison	Advertising	Evidence
Budget and Resource Allocation		Briefs
Strategic plans and decisions		Prosecutions
Appeals and objections		

Exemptions

The Procedure and Protocol Manual identifies exempt persons or activities. Provided that the objectives of the Local Law are protected, additional exemptions can be added from time to time by the Council.

Permits

The Local Law prescribes what is not permitted..

The Procedure and Protocol Manual explains what a person can do and advises where a permit is the most appropriate mechanism for balancing individual rights with community standards.

Where a permit is required the relevant Procedure or Protocol shows what criteria are used in considering an application. Many of these are expressed in broad terms which will be made more precise with experience.

The Procedure and Protocol Manual also shows the likely conditions which will be applied to permits. Again these are general but will evolve to be more specific.

Document control

The Procedure and Protocol Manual are controlled documents. This means that there is one master document that can only be changed with appropriate authority of the Council.

One member of staff will have authority and responsibility for the updating, security and distribution of authorised copies of the Procedure and Protocol Manual.

Document control may be subject to internal audit.

Amendments

The Administrative Policy Procedure and Protocol Manual were adopted by resolution of the Council on **XXXXATEXXX** and have been amended as follows:

Date of amending resolution:

Nature of amendment:

Behaviour in or on Council Land

Local Law Clause Number 16

Purposes of the Clause

To control behaviour and activities to ensure the fair and equitable use of Council Land and prohibit persons from causing damage to a municipal place or endangering the safety of other persons on Council Land.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All Council land

Who requires a permit?

Not applicable

Exemptions

None

Criteria for interpretation

Behaviour considered a breach of the Local Law in or upon any Municipal place by any person includes:

- interfering with the quiet enjoyment of the land by any other person; or
- behaving in a manner which may endanger a person; or
- in a manner which is offensive, indecent, insulting, riotous or disorderly or engage in any conduct which is dangerous; or
- destroying, damaging, write upon or interfere with anything; or
- unless the person is a player, official or competitor at any sports match or sports gathering authorised under this Part, enter or remain within or upon the playing arena during the progress of such sports match or sports gathering, in a municipal place or on Council Land.

Behaviour in Council buildings

Local Law Clause Number 17

Purposes of the Clause

To control behaviour and activities to ensure the fair and equitable use of Council Buildings and prohibit persons from causing damage to a municipal place or endangering the safety of other persons in Council Buildings.

Applies to

All persons entering Council Buildings

Manager Infrastructure Maintenance

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All Council Buildings

Who requires a permit?

Not applicable

Exemptions

None

Criteria for interpretation

When determining if certain behaviour is an offence in a municipal building, Council or an Authorised Officer or a Delegated Officer must follow these guidelines regarding prohibited behaviour.

Behaviour considered a breach of the Local Law in a municipal building by any person includes:

- depositing any litter in a municipal building except in receptacles provided for that purpose;
- hawking, selling, offering for sale or hiring out any goods, articles or services in a municipal building without Council's or an Authorised Officer's or a Delegated Officer's prior written consent;
- entering or remaining in a municipal building while intoxicated or under the influence of any illegal drug or bring any illegal drug into a municipal building, except only a person attending a function in a municipal building organised with the approval of Council or the Manager in accordance with a liquor licence or permit or a person delivering Liquor to the building in accordance with an order of Council;
- bringing any animal into a municipal building or allowing any animal under his or her control to remain in a municipal building, except an assistance animal as defined by the Disability Discrimination Act 1992, or a person attending a Council approved function involving the showing of animals;
- bringing into a municipal building any Wheeled Non-Motorised Recreational Device or Wheeled Child's Toy other than a pram or pusher with a child or a wheelchair or other apparatus for the purpose of assisting a disabled person or a trolley or other similar device in the process of assisting the delivery or removal of goods;
- bringing into a municipal building any chemical, substance, liquid or powder which is dangerous to health or has the potential to foul, pollute or soil any part of a municipal building or to cause discomfort to any persons in a municipal building whether by offensive or noxious smell or otherwise;
- obstructing, hindering or interfering with any Manager, attendant, or other member of Council staff or any person employed at the municipal building in the performance of their duties; and
- re-entering a municipal building within 24 hours after being directed by the Manager, an Authorised Officer or a Delegated Officer or an attendant to leave for any breach of the Local Law or any other law

Activities prohibited in a Council reserve

Local Law Clause Number 18

Purposes of the Clause

To prohibit activities in the use of Council reserves and prohibit persons from causing damage to a municipal place or endangering the safety of other persons in Council reserves.

Applies to

All persons using council reserves

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All council reserves

Who requires a permit?

Not applicable

Exemptions

An exception to prohibited activities in a council reserve would apply to the following:

- Enter or remain in an area that is a playing surface of an organised sporting match or event unless they are a player, official or competitor at the sporting match or event

Activities which may be permitted in Council reserves

Local Law Clause Number 19

Purposes of the Clause

To permit the use of activities in council reserves with a permit

Applies to

All persons

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All council reserves

Who requires a permit?

All persons wanting to use a council reserve for the purpose of:

- Organising a sporting competition
- Holding a festival for the public to attend
- Organising a commercial fitness, exercise or personal training session
- Using a council reserve for any commercial purposes

Exemptions

An exemption to a permit for permitted activities in a council reserve would apply to the following:

- Council Staff and contractors
- Approved events
- Emergency Services

Liquor in public places

Local Law Clause Number 20

Purposes of the Clause

To prevent drunken behaviour in public places that may affect amenity.

Applies to

Persons using public places and organisers of festivals and events to be held in public places.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

Public places used for vehicle and pedestrian traffic including streets, roads, footpaths, nature strips, median strips, roundabouts, bicycle paths, bridges, malls and car parks.

Public places provided as parks, gardens, lawns, memorials, playgrounds, playing fields and public open space.

Criteria for prescribing public places

When prescribing where and when a permit will be required to consume liquor, the Council will consider the following factors:

- the purpose of the public place
- whether liquor consumption is consistent with the normal use of the public place
- the health and safety of persons, property and the environment
- any effect on quiet enjoyment of the public place
- what parts of the public place and what times or periods should be exempted and
- any submissions or comments received.

When liquor consumption is prohibited

For some public places the Council may prohibit liquor consumption at specific times, days or periods. Otherwise liquor is prohibited at all times in a prescribed public place without a permit. For example, a permit may not be required by family groups in a picnic or barbecue area during the daytime.

Who requires a permit?

Any person or organisation seeking an exemption for themselves or others.

Exemptions

This law does not apply to premises licensed or exempted under the State Liquor Control laws.

Applying for a permit

A completed permit application form should be submitted 14 days prior to the period applied for.

Criteria for issuing permits

Permits are available for the organisers of events or functions which are to be held in public places. (Permits will only be issued to individuals in exceptional circumstances).

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the effect on the quiet enjoyment of other users of the public place and the amenity of the neighbourhood
- the nature, time, location and duration of the event or function
- the availability of sanitary facilities, rubbish removal, police or security services and public health and safety services
- protection of Council assets and the environment in the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application

- the applicant's record in conducting similar events or functions and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Public Place Liquor Consumption Permits will be subject to conditions pertaining to the following matters:

- the name and description of the public place
- the times and duration of the permit
- the event or function
- the persons or groups permitted to consume liquor
- required facilities and services eg. rubbish, toilets, security, health and safety services
- promotion and advertising
- public liability insurance cover and
- restitution of damage and the forfeiture of any refundable deposit.

DRAFT

Signs, goods, and furniture

Local Law Clause No 21

Purposes of the clause

To regulate the use of Council land and buildings for advertising by requiring a permit.

Applies to

All Council land and buildings

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

All Council land and buildings including streets and roads, sports grounds, parks and other community and leisure facilities.

Who requires a permit?

Any person, which includes a body corporate or a business, group or club, desiring to use Council land to advertise.

Exemptions

By Council. See specified criteria (below)

Applying for a permit

A completed permit application form should be submitted 14 days prior to the advertising period applied for.

Permit Application form should be used by applicants.

Criteria for issuing permits

Permits are available for advertising material to be placed on or over Council land or on a vehicle left on Council land.

Permits for advertising signs (other than complying "A Frame" signs) will only be issued in exceptional circumstances.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the proposed advertising material including the location, size, colours and content
- any limitations on advertising within private land
- whether Australian Standard 1428.2 – 1992 „Design for access and mobility" or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicants record in using public places for advertising and
- an appropriate permit fee and any refundable deposit required.

Criteria for exemptions by Council

Signs used for Council, educational or charitable purposes

Permit conditions

Advertising permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year)
- each sign must not exceed 900mm height or 600mm width
- signs or displays on footpaths must be placed on the outer edge of the footpath and be set back 500 mm from the face of the kerb

- a clear distance of 6 metres must be maintained between any 2 signs
- a minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- the total space occupied by any sign or display must not exceed four (4) square metres
- no sign or display is to have any moving, rotating, illuminated or reflective components
- times allowed will generally be restricted to daylight hours
- only one (1) sign per business premises will usually be permitted;
- businesses sharing tenancies must also share a sign advertising signs in relation to a land auction or sale will be allowed, but only a maximum of 2 signs per property, which must be removed within 2 weeks of the acceptance of a bid or offer
- each sign must be made and maintained in a professional manner to ensure safety to the user and general public
- all signs and displays must be kept to the front of the business that they promote
- maintenance of the advertising sign and the site
- repairs, cleaning and graffiti removal, and
- public liability insurance cover.

Example of A-Frame permit conditions

A permit to display an A-Frame may be granted subject to the following conditions:

1. The sign shall be placed on the footway or nature strip directly outside the premises to which the permit applies in accordance with Australian Standard 1428.2.
2. The sign shall not have a display area which exceeds 1.5m^2 in total, eg. an A-Frame sign having 0.75m^2 on each side.
3. This permit is valid for a period of one (1) year from the date of issue.
4. An annual fee determined by Council is paid.
5. Wording on the sign is limited to advertising the trader's name and business sales.
6. The sign shall be of solid design and construction and built in such a manner that:
 - a) there are no protrusions or sharp edges
 - b) it will not rotate in the wind or have any other mechanical movable parts which may be the cause of danger to the public
 - c) it is free standing and not reliant on being affixed to any street furniture, light pole
 - d) or other fitting or fixture not owned and attached to the business house
 - e) it is locked in position and will not collapse.
7. The sign shall be placed in such a location and in such a manner that it does not:
 - a) restrict access to the shop
 - b) obstruct or hinder persons boarding or alighting from vehicles
 - c) obstruct or hinder pedestrians
 - d) obstruct or hinder the view of motorists or pedestrians.
8. The sign shall be removed during inclement weather conditions which may render the sign a danger to the public.
9. The sign shall only be displayed during the trading hours of the permit holder.
10. The permit is subject to Council being indemnified and being kept indemnified against any loss or claim which may result from the use of the sign and the permit holder shall hold Public Liability Insurance to the sum of \$10 million.
11. The sign shall immediately be removed upon the direction or request of an Authorised Officer of Council, a member of the Victorian Police, Emergency Service of any authority engaged in the repair or maintenance of roads or services.
12. The permit may be suspended or its conditions amended at any time by Council or an Authorised Officer if the circumstances or conditions under which the permit was issued change.
13. The permit holder will be responsible for all losses incurred as a result of the sign being removed as a result of action under condition 11 or where a permit is amended or suspended under condition 12.
14. The permit is not transferable to any other Company or person without the expressed written consent by Council.
15. This permit or a copy must be kept on site and produced upon demand by an Authorised Council Officer or Member of the Victorian Police Force.

16. The sign shall not contain any language motif, picture or depiction of an indecent or offensive nature.

DRAFT

Open air performances and busking

Local Law Clause Number 22

Purposes of the clause

To regulate the use of Council land and the use of private land for distributing advertising material, busking or broadcasting.

Applies to

Persons wishing to use Council land for advertising, busking or broadcasting.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

All public places including streets, roads and other Council land, and private land.

Who requires a permit?

Any person desiring to use a public place to advertise, busk or broadcast.

Exemptions

Electoral material

Persons, who meet specified criteria to use a public place to advertise, busk or broadcast without a permit.

Criteria for issuing permits

Permits are required for advertising material to be given out or distributed, for busking or for broadcasting any advertising material or entertainment.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the purpose and beneficiary of the activity
- whether Australian Standard 1428.2 – 1992 „Design for access and mobility“ or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicants record in conducting similar activities and
- an appropriate permit fee.

The permit holder at the request of an Authorise Officer must cease busking immediately or relocate to another site if the officer is of the opinion that the performance is:

- Loud or intrusive
- Excessively repetitive
- Causing public inconvenience

Aerosol spray paint containers

Local Law Clause Number 23

Purposes of the Clause

To regulate the storage and sale of aerosol spray paint containers

Applies to

A person who owns, operates or manages a business

Policy responsibility

Manager Community Safety & Amenity

Environmental Health Coordinator

Administration

Manager Community Safety & Amenity

Environmental Health Coordinator

Enforcement

Coordinator Community Safety & Amenity

Environmental Health Coordinator

What public places are affected?

Not applicable

Who requires a permit?

Not applicable

Exemptions

None

Clothing Recycling Bins

Local Law Clause No 24

Purposes of the clause

To regulate the location of clothing recycling bins to protect public safety, convenient access and neighbourhood amenity.

Applies to

Any person or organisations wishing to place a clothing recycling bin in a public place and private land.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

Public places used for the operation of clothing recycling bins including streets, roads, footpaths, nature strips, malls, and public car parks.

Who requires a permit?

Any person or organisation wishing to place a clothing recycling bin in a public place or private land must first obtain a permit. Permits are usually issued only to recognised charitable organisations.

Exemptions

None.

Applying for a permit

A completed permit application form should be submitted 30 days prior to the period applied for.

Criteria for issuing permits

Permits are available for charitable organisations.

(Permits will only be issued to commercial organisations or individuals in exceptional circumstances).

When dealing with applications for permits, the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the bin should not obstruct vision for pedestrian and vehicle traffic or any driveway, hydrant, mailbox or other facility to which access is required
- the clothing recycling bin are to be highly visible and well lit
- safety and convenience for persons making donations, for those clearing the bin and any other person
- the construction, size, colour and signage of the clothing recycling bin, which should be limited to four (4) colours and be non-reflective.
- the owner's name and contact details must be kept displayed on the clothing recycling bin
- the number and location of other clothing recycling bins in the same area
- the effect on the quiet enjoyment of other users of the public place and the amenity of the neighbourhood
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicants record in managing clothing recycling bins
- whether the applicant is a member of the National Association of Charitable Recycling Organisations, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Clothing Recycling Bin permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year)
- maintenance of the bin and the site, including shared management arrangements with other bin owners at the site.

- the frequency of clearing the bin and any rubbish left at the site
- repairs, cleaning and graffiti removal
- labelling of the bin, including the identity of the owner, the benefiting charity, owner contact details
- litter and rubbish dumping warning signs
- separate approval is required for any advertising, and
- public liability insurance cover.

DRAFT

Charitable collections

Local Law Clause No 25

Purposes of the clause

To control soliciting for any money or waste materials, gifts, donations or subscriptions in public places by requiring a permit.

Applies to

Any person or organisation desiring to conduct a collection.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

All public places

Who requires a permit?

Any person or organisation wishing to conduct a collection.

Exemptions

No exemptions

Applying for a permit

A completed permit application form should be submitted 14 days prior to the period applied for.

Criteria for issuing permits

Permits are available for collections on Council land.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the purpose and beneficiary of the collection
- whether Australian Standard 1428.2 – 1992 „Design for access and mobility“ or other disability standards can be complied with
- the effect on the quiet enjoyment of other users of the public place
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in conducting collections and
- any appropriate permit fees

Permit conditions

Collection permits will be subject to conditions pertaining to the following matters:

- the period of the permit (maximum one (1) year)
- the extent of the public places where collections are permitted
- disclosure of the name and nature of the benefiting organisation
- the identification of collectors
- the issue of receipts to donors.

Distribution of notices, advertising material and selling of goods

Local Law Clause No 26

Purposes of the Clause

To regulate the use of public places and private land adjacent to public places for displaying goods for sale and outdoor eating by requiring that a permit be obtained.

Applies to

Persons wishing to display goods for sale or selling of goods or service.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

All public places.

Who requires a permit?

Any person wishing to display goods for sale or selling of goods or service in public places.

Exemptions

Council criteria for interpretation. See criteria below.

Applying for a permit

A completed permit application form should be submitted 28 days prior to the period applied for. A Planning Permit application may also be required.

Criteria for interpretation

Permits are available for placing goods for sale or eating facilities in a public place.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the effect on the quiet enjoyment of other users of the public place
- whether Australian Standards 1428.2 – 1992 „Design for access and mobility” or other disability standards can be complied with
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application, and
- an appropriate permit fee and any refundable deposit required

Permit conditions

Display of goods:

- Displays on footpaths must be placed on the outer edge of the footpath and be set back 500 mm from the face of the kerb
- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- The total space occupied by any display must not exceed four (4) square metres
- No display is to have any moving, rotating, illuminated or reflective components
- Times allowed will generally be restricted to daylight hours
- Only one (1) display per business premises will usually be permitted, and
- All displays must be kept to the front of the business that they promote.

Street trading:

- The location of a stand or fixture is to have due regard for vehicle and pedestrian safety
- The nature and type of goods to be sold will be designated
- The capacity of roads, footpaths and parking areas may limit the extent of trading and
- The duration of the activity and the time of day may be limited.
- Placement of eating facilities:

- A minimum footpath width for pedestrian traffic of 1.8 metres is to be maintained
- Compliance with the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*
- Tables, chairs, umbrellas or moveable barriers must not unduly impair motorist or pedestrian vision
- Tables, chairs, umbrellas or barriers (whether moveable or not), or the like must not display any word, image, device or logo which advertises goods, products or services, except where a valid planning permit exists for such
- Umbrellas or awnings must allow a minimum height clearance of two metres above the footpath
- All furniture and equipment must be properly used and maintained for public safety
- All facilities must be kept in a clean and tidy condition at all times, and
- Waste and litter minimisation by the use of non-disposable food containers and eating utensils.

Insurance:

- Public liability insurance which also indemnifies the Council must be held at all times. A minimum cover of \$10 million is required.

Fees:

- Permit fees will be based on cost recovery plus a reasonable rental for the public land occupied.

Period:

- Permits are issued for a period of one year.

Shopping Trolleys

Local Law Clause No 27

Purposes of the clause

To encourage shops to regularly retrieve shopping trolleys left on any road or council land by impounding abandoned trolleys.

Applies to

Owners of shopping trolleys

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

Any road or council land

Who requires a permit?

Not applicable

Exemptions

None

Criteria for interpretation

A shopping trolley is considered abandoned if left unattended on any road or council land.

Procedure and Protocol Manual for shopping trolley owners

Owners of shopping trolleys should:

- provide designated bays for the return of trolleys by customers. Such bays should be indicated by clearly visible signs
- provide signs on trolleys and in the shop asking customers to return trolleys to bays designated for the purpose
- Ensure the owners name and/or a contact telephone number are clearly marked on every trolley, and
- at least once every day retrieve all trolleys that have been left by customers on Council land other than designated trolley return bays.

Procedure for Impounding:

- abandoned trolleys are impounded if left in a public place or road
- trolleys are returned to owners on payment of the fee fixed by Council, and
- trolleys unclaimed after 14 days are sold, given away or disposed of.

Fireworks

Local Law Clause Number 28

Purposes of the Clause

To prohibit the discharge of any fireworks on or from any land outside the urban growth boundary and regulate requirement of a permit for any land within the urban growth boundary.

The objective of this Local Law is to prohibit the discharge of fireworks in certain parts of the municipality:

- to restrict activities in a bushfire prone rural environment that can impact on the health and wellbeing of residents, specifically those who have experienced catastrophic bushfires;
- to reduce the risk of danger and injury to animals and wildlife arising from the discharge of fireworks;
- to address nuisance, amenity and environmental impacts of fireworks activities;
- apply standards that address safety matters directed at reducing risk to the community

Applies to

Applies to all land owners within urban growth boundary Nillumbik Shire.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

All land outside urban growth boundary – means the boundary defined in the Nillumbik Planning Scheme identifying the scope of urban growth within the municipality and identified on the plan in Schedule 1.

Who requires a permit?

All land owners within the urban growth boundary Nillumbik Shire.

Exemptions

None

Procedure and Protocol Manual for Fireworks permit requirements

A person must not without a permit discharge any fireworks on or from private property outside the urban growth boundary.

An application for a permit must be submitted to Council not less than 60 days before the proposed discharge of fireworks

Information required on an application for permit

A person applying for a permit must provide the following information with the application:

(a) a site plan of the land, showing all existing buildings, all vegetation, the firing points for the types of fireworks to be discharged, the distances of firing points from adjoining land, access roads and where the audience will be located;

(b) a risk management plan that assesses the risk associated with discharging fireworks from the intended location, including:

- an assessment of the risk of fire on the intended location and adjoining land and how those risks will be managed;
- the risk of harm to people, domestic animals, livestock and wildlife from the noise caused by the fireworks to be used and how those risks will be managed; and
- an emergency evacuation plan that will apply if there needs to be emergency evacuation from the land;

(c) any initiative to be applied by the applicant to reduce harm to domestic animals, livestock and wildlife on land within 1.5km of the land where fireworks will be discharged or fireworks displayed;

- (d) evidence that the fire protection measures and separation distances prescribed by the Dangerous Goods (Explosives) Regulations 2011 are complied with;
- (e) a copy of the licence issued by Worksafe Victoria for the person to conduct fireworks displays;
- (f) a copy of the notice provided to Worksafe and the Country Fire Authority advising of the intention to discharge fireworks on the land;
- (g) whether any temporary advertising signs will be placed on Council land or roads and that they comply with Council's Temporary and Community Signage Policy
- (h) a certificate of currency in the name of the occupier that shows adequate public liability insurance is in place for the event (minimum \$5 million); and
- (i) any other information required by an Authorised Officer to make a proper assessment of the application.

Notification requirements

Upon receiving an application Council will, on behalf of the applicant:

- notify by registered mail all occupiers of land within 1.5km of the land where it is intended to discharge the fireworks;
- notify by registered mail any other person Council considers could be directly affected by the proposed discharge of fireworks; and
- give public notice advising of the application that includes details about the location and the time and duration of the discharge of fireworks.

In addition to any fees or charges to be paid under clause 77, the applicant will pay to the Council the costs of notifications required under this provision.

Criteria for assessing applications

In determining whether to grant a permit, an Authorised Officer must consider whether:

- the information submitted with the application under clause 8 is satisfactory;
- the identified risks have been adequately assessed and responded to;
- adequate measures have been taken to manage the risk to livestock on adjoining or nearby properties;
- any other permits or consents from Council are required;
- any additional requirements of the CFA that have been made;
- any comments that have been made in response to the notifications given under clause 9; and
- any other matters relevant to the circumstances of the application.

Conditions on a permit

The permit may contain conditions such as:

- compliance with any requirements or conditions applied by the CFA;
- prescribing the times during which the discharge of fireworks can occur;
- prohibiting the discharge of fireworks from occurring if unpredictable weather conditions, such as winds in excess of 10 knots occur; and
- compliance with any other permits or consents that may be required for community events in the Nillumbik Shire.

Prohibition on Council issuing permits

Council must not grant a permit under clause 7:

- during the declared fire danger period; or
- after 1 November or the declared fire danger period, whichever is earlier, and before 30 March or the end of the declared fire danger period, whichever is the later.

Scare guns

Local Law Clause No 29

Purposes of the clause

To preserve amenity by prohibiting the use of scare guns outside of rural zones and ensuring their appropriate monitoring and management within rural zones (which include the Green Wedge and Rural Conservation Zones) by the requirement for a permit.

Applies to

All public and private land

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

All public and private land

Who requires a permit?

Any person within a rural zone who intends to use a bird scare gun or similar bird control device other than a registered firearm.

Exemptions

None

Applying for a permit

A completed permit application form for the first permit of the season should be submitted a minimum 14 days prior to the period applied for, and for subsequent applications for a permit in that year a maximum of 7 days prior.

Criteria for issuing permits

Permits are available for persons requiring to scare birds from their crop site.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the effect on the quiet enjoyment of adjoining properties and the amenity of the area
- the location, area and nature of the land, its zoning and its suitability for the use intended
- the nature, time, location and duration of the noise control device being used
- the effects on the amenity of other land and the health and safety of persons
- the applicant record in operating noise control devices
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Use of bird scare guns or similar control devices other than a registered firearm will be subject to the following conditions:

- Bird scare guns or similar control devices must not be operated if the distance between the scare gun and any residential premises (other than the applicants) is less than 300 metres
- Bird scare guns or similar control devices other than a registered firearm must be set to provide not less than a minimum average clear interval between a cycle of shots of 10 minutes for six hours maximum per day, and 20 minutes for the remaining daylight hours each day. A cycle of shots may be up to 2 shots (single or double shots) and should not exceed five seconds from the first shot of the cycle to the last shot of the cycle. (NB this would limit a single shot gun to 54 shots maximum per day and a double shot gun to 108 shots maximum per day)

- The number of bird scare guns or similar control devices must not exceed the ratio of one gun to four hectares of crop area or part thereof, and shall not be closer than 150 metres to any adjoining bird scare gun or similar bird control device in operation
- Bird scare guns or similar control devices other than a registered firearm must not be used earlier than 7am or later than sunset
- The total time of operation of a bird scare gun or similar control devices must not exceed 12 hours' maximum in any one day (NB The time of operation may be divided in order to achieve compliance with this limit)
- Bird scare guns or similar bird control devices, other than a registered firearm, shall be located by operators as far away as possible from all residential premises and wherever possible, the shielding effects of natural features, buildings, etc. shall be used to reduce the level of the blasts of scare guns or similar bird control devices at residential premises
- The operating requirements of scare guns or similar bird control devices, other than a registered firearm, shall be based on an average maximum level of 100dB LIN peak (loudest 20 per cent of blasts) when the weather favours noise propagation.

DRAFT

Collection and disposal of animal excrement

Local Law Clause No 30

Purposes of the clause

To require animal excrement to be removed from public places.

Applies to

Persons in apparent control of animals in public places.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

All public places including streets and roads.

Who requires a permit?

Not applicable

Exemptions

Not applicable

Procedure and Protocol Manual for interpretation

Persons in apparent control of any animal should remove excrement as soon as it is deposited in a public place. A person in apparent control of any animal in a public place must carry a litter device suitable to clean up and remove any excrement left by their animal.

Keeping animals

Local Law Clause No 31

Purposes of the clause

To protect amenity by regulating the keeping of animals on private land.

Applies to

All land owners and occupiers of residential land where livestock, dogs, cats, birds and certain animals are kept.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

Who requires a permit?

Any person wishing to:

- keep more than the number of animals specified.

Exemptions

None

Applying for a Permit

A completed permit application form should be submitted 14 days prior to the use of land applied for.

Criteria for Issuing Permits

Permits are available for keeping livestock on residential land and for keeping more than the specified number of certain animals.

If the land is within a Special Use Zone as defined in the Nillumbik Planning Scheme, no permit can be issued unless the provisions of the Register of Non-Conforming Uses have been met.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land, its zoning and its suitability for the use intended
- the siting of the area or structures within the land and proximity to other occupiers
- the effects on the amenity of other land and the health and safety of persons and property
- the type and numbers of animals to be kept
- membership and compliance with any recognised association or standards
- any comments received in respect of the application
- any further information required from the applicant
- any other matters that may apply to the particular application
- the applicant's record in keeping animals, and
- an appropriate permit fee and any refundable deposit required.

Permit conditions

Animal Housing Procedure and Protocol Manual:

Animal housing includes kennels, stables, pens, poultry houses and bird cages and should be located and constructed to the following standards:

- 15.0 metre setback from a property frontage to a road
- 6.0 metre setback from any other street alignment
- where the property is less than 4,000m² in area 1.5 metre setback from any boundary fence
- where the property is 4,000m² or more in area, a 4.5 metre setback from any boundary fence and
- a clearance of at least 10 metres from any dwelling on the property or an adjoining property.

Animal buildings and cleanliness

Local Law Clause Number 32

Purposes of the Clause

To protect the amenity of neighbouring properties by regulating the location and cleanliness of animal buildings

Applies to

Occupiers of premises where animals are kept or permitted to remain.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for interpretation

Animal Housing Procedure and Protocol Manual:

Animal housing includes kennels, stables, pens, poultry houses and bird cages and should be located and constructed to the following standards:

- 15.0 metre setback from a property frontage to a road
 - 6.0 metre setback from any other street alignment
 - where the property is less than 4,000m² in area 1.5 metre setback from any boundary fence
 - where the property is 4,000m² or more in area, a 4.5 metre setback from any boundary fence and
 - a clearance of at least 10 metres from any dwelling on the property or an adjoining property.
-
- Structure must be fit for intended purpose
 - All animal areas must be maintained in a clean, inoffensive and sanitary condition; and
 - Not cause a nuisance to any other person or to be offensive

Animal noise

Local Law Clause No 33

Purposes of the clause

To protect the amenity by ensuring the animal noise is not nuisance.

Applies to

Any owner or occupier of private land on which an animal is kept.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

Who requires a permit?

No permits are available

Exemptions

None

Permit Conditions

Not applicable

Feeding of Wild Birds

Local Law Clause Number 34

Purposes of the Clause

To protect the amenity by ensuring that wild bird feeding does not cause a nuisance

Applies to

All private land owners and occupiers

Policy responsibility

Manager Community Safety & Amenity

Environmental Health Coordinator

Administration

Manager Community Safety & Amenity

Environmental Health Coordinator

Enforcement

Coordinator Community Safety & Amenity

Environmental Health Coordinator

Who requires a permit?

Not applicable

Exemptions

None

Bees and Wasps

Local Law Clause Number 35

Purposes of the Clause

To regulate the keeping of bees and the removal of wasps

Applies to

All private landowners or occupiers of land

Policy responsibility

Manager Community Safety & Amenity

Environmental Health Coordinator

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Environmental Health Coordinator

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Environmental Health Coordinator

Manager Infrastructure Maintenance

Who requires a permit?

Not applicable

Exemptions

None

Dead Livestock

Local Law Clause Number 36

Purposes of the Clause

To protect the amenity by ensuring that dead livestock is not a nuisance

Applies to

All owners and occupiers of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

Who requires a permit?

Not applicable

Exemptions

None

Alarm systems

Local Law Clause No 37

Purposes of the clause

To preserve amenity by regulating the use of alarm systems.

Applies to

All owners and occupiers of private land or owner of a motor vehicle who install security alarm systems which emit a sound and light signal when activated.

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

All premises or vehicles fitted with alarms

Who requires a permit?

Not applicable

Exemptions

No Exemptions

Applying for a permit

Not applicable

Criteria for Interpretation

"Serviceable condition" means maintained to the manufacturer's specifications.

"Emergency situation" means a condition in which the alarm system is designed to activate.

Unightly and dangerous land

Local Law Clause No 38

Purposes of the clause

To preserve amenity by preventing unsightly land, protecting persons and property from dangerous conditions on land and containing the spread of noxious weeds and vermin.

Applies to

Owners and occupiers of land

Policy responsibility

Planning Enforcement Officer

Environmental Health Coordinator

Administration

Planning Enforcement Officer

Environmental Health Coordinator

Enforcement

Planning Enforcement Officer

Environmental Health Coordinator

Manager Community Safety & Amenity

What places are affected?

All private land

Who requires a permit?

Not applicable

Exemptions

None

Applying for a permit

Not applicable

Criteria for interpretation

Obstruction to Visibility

Local Law Clause No 39

Purposes of the clause

To prevent trees, plants or fences on private land from obscuring or obstructing vehicle or pedestrian traffic.

Applies to

Owners and occupiers of Private Land

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Infrastructure Maintenance

Manager Community Safety & Amenity

What public places are affected?

All roads and streets

Who requires a permit?

Not applicable

Exemptions

Not applicable

Procedure and Protocol Manual for interpretation

An obstruction is deemed to occur if a tree or plant:

- overhangs a road or footpath and might cause injury to any person or damage to any vehicle legally using the footpath or roadway. A clear height minimum of 3 metres is to be maintained over all footpaths and 5.5 metres over road pavements
- obstructs the clear sight between vehicles at an intersection or at a bend in the road
- obstructs the clear sight between pedestrians and vehicles
- obstructs the clear sight between any vehicle or pedestrian and any traffic signal or signs
- encroaches on to a footpath to reduce the width available for pedestrians
- encroaches onto a footpath and creates a slippery surface when wet
- obscures a street light, or
- otherwise creates a danger to any vehicle or pedestrian.

Fences and trees or plants at minor street intersections are to be kept below a height of 1 metre in the triangular area between the corner of each property at the intersection and a line drawn between points 3 metres back from the intersection, which would otherwise prevent a clear view of other vehicles or traffic signs or signals. A minor intersection is where the vehicle speed limit is 60 kph or less in both streets.

Where a higher speed limit applies in a street or road which forms part of an intersection a greater sight distance will be nominated by the responsible council officer.

The same criteria will apply to any street tree or plant or Council owned fence, tree or plant.

Overhanging and encroaching vegetation

Local Law Clause No 40

Purposes of the clause

To prevent trees, plants or other vegetation from overhanging or encroaching onto a road or council land.

Applies to

Owners and occupiers of Private Land

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Infrastructure Maintenance

Manager Community Safety & Amenity

What public places are affected?

All land owners

Who requires a permit?

Not applicable

Exemptions

Not applicable

Procedure and Protocol Manual for interpretation

Overhanging or encroaching is defined by tree, plant or any other vegetation that:

- overhangs a road or footpath at a clear height of less than 4 metres from the surface of the road or
- encroaches on to a footpath to reduce the width available for pedestrians
- encroaches onto a footpath and creates a slippery surface when wet

Chimneys and other nuisances

Local Law Clause No 41

Purposes of the clause

To protect amenity by preventing undue discharges from chimneys.

Applies to

Owners and occupiers of buildings with chimneys.

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

The whole municipality

Who requires a permit?

Not applicable

Exemptions

None

Applying for a permit

Not applicable

Criteria for interpretation

"Dangerous to health or offensive" has the same meaning as in the *Public Health and Wellbeing Act 2008*.

Containment and disposal of swimming pool wastewater

Local Law Clause No 42

Purposes of the clause

To regulate the correct disposal of wastewater or backwash water from a swimming pool filtration system.

Applies to

Owners and occupiers of properties with swimming pools

Policy responsibility

Manager Infrastructure Maintenance

Administration

Manager Infrastructure Maintenance

Enforcement

Manager Infrastructure Maintenance

What places are affected?

Owners and occupiers of properties with swimming pools

Who requires a permit?

Not applicable

Exemptions

None

Applying for a permit

Not applicable

Criteria for interpretation

Any wastewater or backwash water from a swimming pool filtration system must be disposed of::

- in the sewer or
- on the land on which the swimming pool is located.

Incinerators

Local Law Clause No 43

Purposes of the clause

To regulate the prohibition of incinerators on private land.

Applies to

All private property owners and occupiers

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

Who requires a permit?

An owner or occupier of private land

Exemptions

None

Open air burning

Local Law Clause No 44

Purposes of the clause

To protect public safety and amenity by regulating the use of fires in the open air by the requirement of a permit.

Applies to

All persons desiring to use fire in the open air

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

Who requires a permit?

An owner or occupier of private land that is less than 0.4 hectare.

Exemptions

Barbecues when used for the sole purpose of preparing a meal and for the means of generating warmth.

Burning without a permit

- No strong winds are blowing.
- No fire may be lit on any day during the declared Country Fire Authority Fire Danger Period.
- No fires are to be lit on a day of Total Fire Ban.
- No fire is to be lit on a day declared by the EPA as a day of high pollution.
- The fire is to be extinguished by 6pm or upon direction by an Authorised Officer, member of Victoria Police or member of a Fire Brigade.
- No solvents, petroleum products, rubber or any substance that may give off toxic smoke are to be used to start or maintain the fire.
- The fire is not left unattended at any time.
- Only a small fire is maintained at any time.
- No inconvenience is caused to nearby residents.
- Adequate water supply is available, e.g. garden hose.
- Only one fire is to be alight at any one time.
- Fires are to be lit only in an area away from other combustible material and overhanging trees, shrubs, etc.
- Notify brigade and VicFire of your intention to burn and date(s) burning is to take place.

Your attention is drawn to Section 11 of the *Summary Offences Act 1966*.

Applying for a permit

A completed permit application form should be submitted four days prior to the burn applied for.

Criteria for issuing permits

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the amenity of the proposed location and the surrounding area
- the location, area and nature of the land
- the purpose of the proposed burn
- the effects on the amenity of other land and the health and safety of persons and property
- any further information required from the applicant and
- any other matters that may apply to the particular application.

Permit conditions

May include all or any of the following:

- the times and days when burning is allowed
- the name and address of the person permitted to use fire
- the purpose of the fire

- the material proposed to be burned
- the volume to be burned at any one time
- the permit to be kept on site and be available on demand
- advance notice to be given to the fire-fighting authority
- the name of the person responsible for the burn who must be present
- the climatic conditions when burning is not allowed or when a fire must be extinguished
- a fire must not be left unattended at any time
- the name and contact arrangements of a natural person who will be responsible for the fire
- the resources and methods to be used for managing and controlling the fire
- the number of fires lit at any one time
- minimising annoyance or inconvenience to other residents and
- no fire is to be lit on a fire ban day or a smog alert day

A permit does not release a person's obligations under other legislation. The provisions of the *Country Fire Authority Act 1958* apply in the rural parts of the Shire. Section 11 of the *Summary Offences Act 1966* applies to fires in the open air at any time of the year.

DRAFT

Large fires and multiple fires

Local Law Clause No 45

Purposes of the clause

To protect public safety and amenity by regulating the burning of large heaps.

Applies to

All persons desiring to use fire in the open air on land greater than 0.4 hectare.

Policy responsibility

Emergency Risk Coordinator

Administration

Emergency Risk Coordinator

Enforcement

Manager Community Safety & Amenity

Who requires a permit?

Not applicable

Exemptions

None

Burning without a permit

- No strong winds are blowing.
- No fire may be lit on any day during the declared Country Fire Authority Fire Danger Period.
- No fires are to be lit on a day of Total Fire Ban. No fire is to be lit on a day declared by the EPA as a day of high pollution.
- The fire is to be extinguished by or upon direction by an Authorised Officer, member of Victoria Police or member of a Fire Brigade.
- No solvents, petroleum products, rubber or any substance that may give off toxic smoke are to be used to start or maintain the fire.
- The fire is not left unattended at any time.
- One fire is maintained at any time.
- No inconvenience is caused to nearby residents.
- Adequate water supply is available, e.g. garden hose.
- Fires are to be lit only in an area away from other combustible material and overhanging trees, shrubs, etc.
- Notify brigade and VicFire of your intention to burn and date(s) burning is to take place.
- Your attention is drawn to Section 11 of the *Summary Offences Act 1966*.

Bulk Waste containers

Local Law Clause No 46

Purposes of the clause

To control the placement of skips or bulk rubbish containers on a road by requirement of a permit.

Applies to

The person operating the skip bin or bulk waste business wishing to place a skip or bulk rubbish container on a road.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What public places are affected?

All roads and council land

Who requires a permit?

Any person operating the skip bin or bulk waste business wishing to place a skip or bulk rubbish container on a road.

Exemptions

A permit is not required for a skip or bulk rubbish container of no more than 2.5 cubic metres which is left safely on the nature strip, nor does not protrude onto the road pavement or interfere with pedestrian movements and is not left for more than four days.

Applying for a permit

A completed permit application form should be submitted 7 days prior to the day a skip or bulk rubbish container is to be placed on the road.

Permit Conditions

In determining whether to grant a permit for the placement of a bulk rubbish container on a road the authorised officer must take into account:

- whether the placement will obstruct the passage of vehicles and pedestrians, obscure the view of motorists or present a physical hazard;
- whether the placement will contravene any traffic control signs;
- whether hazard lights can be securely attached on the side nearest passing traffic or placed on a carriageway so as an approaching motorist can identify the extent and form of the container; protection of Council assets;
- whether an indemnity/guarantee has been provided to Council; and
- any other matter relevant to the circumstances of the application.

Use of recreational vehicles

Local Law Clause No 47

Purposes of the clause

To protect amenity by regulating the use of recreational and motorised toy vehicles on any land.

Applies to

Landowners and motorised toy vehicle users

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What places are affected?

All public and private land

Who requires a permit?

The owner of private land or driver of any applicable vehicle

Exemptions

None

Criteria for issuing permits

When dealing with applications for permits the Council or its delegate will consider the following factors:

1. the amenity of the proposed location and the surrounding area, including
 - the type, size, noise and nature of the vehicles involved and
 - the days, times and duration of the proposed use.
2. any potential damage may be caused to the land
 - the nature and intensity of the use and any precautions to be taken to protect the land.
3. any other matter or thing relevant to the application
 - any comments received in respect of the application
 - any further information required from the applicant
 - any other matters that may apply to the particular application
 - the applicants record in using motorised toy vehicles and
 - an appropriate permit fee and any refundable deposit required in respect of Council land.

Permit conditions

Permits for recreational and motorised toy vehicles will be subject to conditions which limits the intended use, including:

- the times, days and duration of the permit
- the number of vehicles involved
- the type of vehicles
- precautions to be taken to protect amenity and Council land
- permit holders must comply with the requirements of the Nillumbik Planning Scheme in relation to any modification of land for the use of motorised toy vehicles
- any specific insurance requirements

Toy vehicles

Local Law Clause No 48

Purposes of the clause

To protect amenity by regulating the use of toy vehicles on any land.

Applies to

Users of other toy vehicles

Policy Responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What places are affected?

All roads and Council land

Who requires a permit?

Not applicable

Exemptions

None

Repair and sale of vehicles on roads and council land

Local Law Clause No 49

Purposes of the clause

To protect amenity by requiring a permit for the repair or sale of vehicles on any road or council land.

Applies to

Owners, repairers and sellers of relevant vehicles

Policy Responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Manager Community Safety & Amenity

What places are affected?

All roads and Council land

Who requires a permit?

The owner, repairer or seller of any applicable vehicle

Exemptions

Does not apply to minor repairs to a vehicle which has broken down and which are reasonably necessary to enable the vehicle to be removed under its own power within a reasonable time.

Applying for a permit

A completed permit application form should be submitted 7 days prior to the commencement of the intended use.

Criteria for issuing permits

Permits may be available for the repair or sale of vehicles from a road or Council land if special circumstances exist.

When dealing with applications for permits the Council or its delegate will consider the following factors:

- the reason for the application i.e. any special needs of the applicant
- the location of the land
- the amenity of the area
- the zoning of the land
- the suitability of the land for the intended use
- the number of vehicles
- the days, times and hours of the intended use
- any likely damage to the land and
- alternative sites.

Permit conditions

Permits will be subject to conditions, including:

- the times, days and duration of the permit
- the number of vehicles involved
- the type of vehicles and
- precautions to be taken to protect area amenity and the land.

Identification of premises

Local Law Clause No 50

Purposes of the clause

To facilitate the convenient location of premises by number allotted by the council clearly displayed for emergency, postal and delivery services.

Applies to

Owners and Occupiers of premises

Policy responsibility

Manager Finance

Administration

Manager Finance

Enforcement

Manager Community Safety & Amenity

What places are affected?

All occupied land

Who requires a permit?

Not applicable

Exemptions

Vacant land

Applying for a permit

Not applicable

Criteria for enforcement

When dealing with complaints or breaches the Council or its delegate will consider the following factors:

- whether the owner or occupier has been requested in writing to comply and
- whether numbers displayed are clearly visible under normal daylight conditions.

Permit conditions

Not applicable

Caravans, movable and temporary dwellings

Local Law Clause Number 51

Purposes of the Clause

To regulate the placement of caravans, camper trailers or any other movable dwelling on any land by requirement of a permit

Applies to

Owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Any land

Who requires a permit?

Any owner or occupier of any land

Exemptions

None

Criteria for enforcement

A permit is required to enable owners or occupiers of any land to permit a caravan, camper trailer or any other movable dwellings on private land:

- that is to be kept on any land for more than 30 days per calendar year
- caravan, camper trailer or any other movable dwellings must be registered if placed on a road

Shipping containers

Local Law Clause Number 52

Purposes of the Clause

To regulate the placement of shipping container on any land by requirement of a permit

Applies to

Owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Any land

Who requires a permit?

Any owner or occupier of any land

Exemptions

None

Criteria for enforcement

Permit conditions

- A statement of purpose for the use of the shipping container must accompany any permit application
- Any permit issued under these conditions may be subject to planning approval
- Permit for placement of shipping container on any private land will be in place for a maximum of 12 months.
- Shipping container must not be placed in a location that is detrimental to the amenity

Protection of Amenity Trees

Local Law Clause Number 53

Purposes of the Clause

To regulate the removal, destruction or killing of, damage to and interference with any substantial tree by requirement of a permit to prevent damage to trees on private land.

Applies to

All private land owners within the Municipality

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All private land

Who requires a permit?

Persons wishing to remove, destroy, kill, damage or interfere with any substantial tree on private land.

Exemptions.

A Local Law permit is required to interfere with a substantial tree, even if a permit is not required under the Nillumbik Planning Scheme. This includes substantial trees that do not require a planning permit because they are exempt under Clause 52.12, Clause 52.17, the Environmental Significance Overlay, the Significance Landscape Overlay, the Heritage Overlay and/or any other provision of the Nillumbik Planning Scheme.

Where a permit is obtained under the Planning Scheme, that authorises interference with a substantial tree, no permit is required under the Local Law to carry out the action(s) authorised by the planning permit. If a permit is required under the Planning Scheme, including because a specific exemption applies, then a permit is required under this Local Law.

- A permit will be granted under the Local Law to interfere with a substantial tree if the substantial tree is dead.
- A permit under the Local Law is not required to prune a substantial tree if the tree is pruned by a qualified arborist in accordance with Australian Standard AS 4373-2007 Pruning of Amenity Trees.
- A permit under the Local Law is not required to remove any part of a tree that is an immediate threat to life or property.

Criteria for interpretation

A '**substantial tree**' means a tree or palm:

- that has a trunk circumference of 50 cm or greater measured at one metre above ground level;
- that has a total circumference of all its trunks of 50 cm or greater measured at one metre above ground level;
- that has a trunk circumference of 50 cm or greater measured at its base; or
- that has a trunk circumference of all its trunks of 50 cm or greater measured at its base.

Procedure and Protocol Manual for interpretation

Required Supporting Documentation

An application to remove or interfere with a substantial tree under the local law must be accompanied by the following information:

- completed application form, including the application fee;
- an Arborist Report - an application may be determined without an Arborist Report in the circumstances described below;
- a scaled and dimensioned site plan showing: all property boundaries; the location of the tree/s proposed to be removed or otherwise damaged or interfered with; all buildings on the property; and driveways; and
- a written summary of why the tree removal is proposed.

The requirement for an Arborist Report can be waived at the discretion of the assessing Council Officer if they are satisfied that it is appropriate to do so in the circumstance. Such circumstance may include, but not be limited to, where: the tree has been determined to be a risk to safety (including presenting an unacceptable bushfire risk); the tree is obviously and visibly dead, structurally unstable or in a state of decline.

An **Arborist Report** must be prepared by an arborist. This report must be prepared in accordance with Australian Standard AS4970/2009, prepared by a person suitably qualified and experienced, for all trees proposed to be removed. The report should detail as a minimum:

- a. The species, height, girth, canopy width and approximate age of all native and exotic trees within 5 metres of the proposed buildings and works (including earthworks, services and drainage). Any trees (native or exotic) on neighbouring properties within 5 metres of the proposed buildings and works must also be included;
- b. A statement regarding the health, structure and vigour of the trees;
- c. Comments in relation to the future health of the tree/s and whether they are likely to be adversely impacted by the proposed buildings and works
- d. A recommendation based on all of the above.

Optional supporting documentation

Depending on the reason for the application, the following documentation may be requested to assist the assessing officer with their assessment of the application:

- engineer report;
- development plans;
- relevant building or planning permits;
- photographs;
- bushfire risk documentation (see below for details); and
- other supporting information reasonably required.

Assessment guidelines

In deciding whether to grant a permit under cl 52 of the Local Law the assessing officer must take the following into consideration, to the extent that they consider appropriate:

- a. the effect on the aesthetics of the neighbouring area;
- b. the condition of the tree, i.e. health and structural integrity;
- c. whether the act is for health and safety reasons;
- d. the appropriateness of the tree for its location on the property having regard to the existing buildings and conditions on the property;

- e. whether the tree has caused, or is causing, property damage and the nature and extent of the damage;
- f. the nature of the zoning of the land under the Nillumbik Planning Scheme;
- g. whether the tree is, or is causing or contributing to, a bushfire hazard and the act is a legitimate bushfire protection measure to mitigate risk to life and property; and
- h. any other matter relevant to the circumstances associated with the application.

Bushfire risk

In assessing an application to remove a substantial tree for the purpose of managing bushfire risks, the assessing officer may consider, as appropriate:

- a. whether the property is located within the Bushfire Management Overlay and/or a bushfire prone area;
- b. the nature of the tree and whether fruit, litter or other drop from the tree gives rise to any unreasonable bushfire risks (e.g. as fuel)
- c. the location of buildings and trees and the proximity of the tree to any buildings on the property;
- d. likely bushfire scenarios at the property;
- e. alternatives to removal that would mitigate the bushfire risk at the property; and
- f. the need for defensible space at the property.

To assist the officer in their assessment the officer may request the applicant to submit further details on any of the above factors and/or supporting documentation verifying the bushfire risk presented by the tree, including:

- a bushfire hazard assessment; or
- a report on the bushfire attack level for the property, determined in accordance with AS 3959; and/or
- other advice from a relevantly qualified individual recommending removal of the tree for bushfire protection purposes, supported by verifiable information and evidence on which the conclusions are drawn (e.g. advice from the Country Fire Authority, a report prepared by a fire engineer or surveyor).

Conditions for permits issued under the local law

1. The tree removal as shown on the endorsed plans must not be altered without the prior written consent of Council.
2. Only the tree(s) marked "tree to be removed" on the endorsed plans is permitted to be removed or destroyed to the satisfaction of Council.
3. No other vegetation on site shall be removed, damaged, destroyed, felled, lopped or uprooted without the prior written consent of Council.
4. A replanting program of a 3 to 1 (*or another rate having considered the capacity to replant a on the property*) replacement must be undertaken for any tree removal from the subject site within 3 months of the removal of the trees hereby permitted. Species must be indigenous and of local provenance, and selected from the following:
 - Eucalyptus leucoxylon* (Yellow Gum)
 - Eucalyptus melliodora* (Yellow Box)
 - Eucalyptus polyanthemos* (Red Box)
 - Eucalyptus radiata* (Narrow-leaved Peppermint)

Eucalyptus rubida (Candlebark)

5. The replacement planting must be carried out, completed and maintained to the satisfaction of Council.
6. This permit will expire if the tree(s) hereby permitted to be removed under this permit are not removed within 12 months of the date of this permit.

DRAFT

Commercial Waste Collection

Local Law Clause No 54

Purposes of the clause

To regulate the use and operation of commercial waste containers during specific hours.

Applies to

All occupiers of commercial and Industrial premises

Policy responsibility

Environmental Health Coordinator

Administration

Environmental Health Coordinator

Enforcement

Environmental Health Coordinator

What places are affected?

Commercial and Industrial premises

Who requires a permit?

Not applicable

Exemptions

Not applicable

Applying for a Permit

Not applicable

Procedure and Protocol Manual for the construction, use and maintenance of commercial waste containers

(Subject to individual circumstances, the following conditions will satisfy the requirements of a Council Environmental Health Officer.)

Construction of commercial waste containers:

1. Waste hoppers, bins or containers used for collection and storage of commercial waste must:
 - be constructed of an impervious material to the satisfaction of an Environmental Health Officer to prevent leakage or absorption of any refuse or rubbish which may be deposited in it
 - be watertight, and fly and vermin proofed
 - contain a removable drainage plug for the purpose of cleaning
 - be fitted with a fly and vermin proof lid with overlapping flanges, and
 - must display a notice indicating the type of waste or material which is permitted to be placed in it and stating that it is an offence to deposit any
 - material contrary to the notice.
2. Emptying of commercial waste containers
 - commercial waste containers must be emptied at least weekly or more often if necessary to prevent the contents becoming offensive.
3. Cleanliness and Storage of commercial waste containers The occupier must ensure that:
 - commercial waste containers are stored and maintained in a clean, sanitary and inoffensive condition and must at all times keep clean any footway, pavement or ground adjoining the storage area to the satisfaction of an Environmental Health Officer
 - commercial waste containers are kept closed except while depositing materials or emptying them
 - the surface on which the container is stored is impervious, graded and drained to a sewer or approved outlet with such silt traps or other treatment devices as an Environmental Health Officer requires
 - the storage site is supplied with a tap connection and a hose of a size approved by an Environmental Health Officer
 - the container is screened with suitable material in such a way as to preserve amenity to the satisfaction of an Environmental Health Officer

- the container does not unduly obstruct vehicle or pedestrian traffic
- the container is fenced or so constructed as to deny access by the public and
- the container is thoroughly cleaned after each emptying.

DRAFT

Domestic waste collection, and recyclable materials

Local Law Clause Number 55

Purposes of the Clause

To regulate the use and operation of domestic waste and recycling receptacle.

Applies to

Owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

Any land

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for the construction, use and maintenance of domestic waste receptacle

All domestic waste and recycling must be placed in bins provided by the Council and ready for collection on the times and days specified by the Council. They must be placed for collection no more than 24 hours before 6.00 am on the collection day.

- The Council may by resolution determine the fee or charge that may apply to households for provision of bins for domestic waste, recyclables or organic material.
- Any receptacles placed for collection which have not been supplied by the Council will not be emptied.
- The Council may by resolution determine the fee or charge that may apply to households for provision of a modified waste collection service, where such a service is provided by the Council upon the request of a household. An occupier is entitled to place for collection:
 - one (1) 120 litre mobile organics bin weighing not more than 25 kilograms, containing food and organic material per week;
 - one (1) 240 litre recycling bin containing only the recyclables specified from time to time per fortnight; and
 - one (1) 120 litre mobile other bin weighing not more than 25 kilograms containing materials not accepted in either of (i) or (ii) above per fortnight.
- An occupier of land must ensure that any bin referable to that land is kept within the occupier's premises in a location and condition which are not offensive to any person.
- Bins must be placed for collection outside the occupier's premises and must meet the following conditions:
 - be within 300 mm of the back of the kerb or roadside drain; and
 - not be within 0.5 m of each side of another bin or object;
 - have a minimum of 3.0 m vertical clearance;
 - be placed in area that is safe and accessible to waste vehicles; v) with the handles facing away from the roadway;
 - not so that they pose a hazard to traffic or pedestrians.
- Bins must be placed in an area in accordance with direction from a Council waste officer or an authorised Council officer.
- An occupier of land must not store or place any of the following materials in a bin:
 - hot ashes or liquid waste;
 - ashes, dirt, dust or fine particulate matter from a vacuum cleaner, unless it has been first wrapped in paper or some other impermeable cover to prevent its escape;
 - broken window glass (or similar) or other sharp objects unless they have been properly contained or wrapped in such a way as to render them harmless;

- oils, paint, solvents or other hazardous substances or liquids;
 - disposable napkins unless they have been cleaned of solids and securely wrapped in impervious material prior to being placed in the bin; vi) trade wastes of any kind;
 - any other waste or materials specified by the Council from time to time.
 - Waste collection operators may refuse to empty bins from any occupier who does not comply with a direction of the Council, an authorised officer or the waste collection operator.
- An occupier of land must not place any rubbish, recycling or organic material in the bin of another occupier without that other occupier's consent.
- A person must not remove or tamper with the bin or contents thereof of another occupier without the other occupier's consent.
- An occupier of land must ensure that material placed in a bin does not exceed a volume which prevents the lid being closed.
- After collection, an occupier of land must ensure that the empty bins referable to that land are retrieved from the street or road as soon as is practicable but within 24 hours of collection.
- An occupier of land is responsible for removing any spillage from a bin collected from the nature strip or pavement adjoining the occupier's land.
- Each occupier of land is responsible for the cleaning and disinfecting of bins referable to that land as needed to prevent odour or a nuisance to any person.
- An occupier of land must report any damage to his or her bins to the Council as soon as possible

Transportation of waste

Local Law Clause Number 56

Purposes of the Clause

To regulate the conveying of waste from a motor vehicle.

Applies to

All persons in control of a motor vehicle with the Municipality

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not Applicable

Exemptions

None

Procedure and Protocol Manual for the transportation of waste

- Motor vehicle must be constructed, fitted, loaded and covered so that no leakage occurs or matter dropped or deposited
- Driver must not drive, allow or cause to be driven a motor vehicle on a road unless the wheels and tyres of the motor vehicle are free from soil, earth, clay, mud, liquid waste or like substances;
- Driver must not allow any material, produce or substance to fall or escape onto a road from any motor vehicle which the person is driving or any equipment which the person is operating;
- Vehicle owner must not allow any grease, oil, mud, clay or like substance to run off a motor vehicle the person is cleaning onto a road or into a drain.

Use of Council recycling centre

Local Law Clause Number 57

Purposes of the Clause

To regulate the use and operation of Council recycling centre by members of the public

Applies to

All persons who utilise or enter Council recycling centre

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

Who requires a permit?

Not applicable

Exemptions

Council staff and contractors

Emergency Services

Procedure and Protocol Manual for the use of Council recycling centre

- Children must remain in vehicle at all time
- Follow disposal direction of staff at all times
- Respect all staff members

Disposal of the following items is not permitted:

- asbestos
- bricks
- building or renovation rubble
- cement
- chemicals
- hazardous materials
- commercial quantities or truck loads
- concrete
- coolant
- dirt
- fire extinguishers
- fuels
- gas bottles
- household garbage
- liquid waste
- paint
- sand
- soil
- tiles

Hard Waste Collections

Local Law Clause Number 58

Purposes of the Clause

To impose a responsibility on occupiers for items to be disposed of and to determine conditions of hard waste collection on private land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All private land

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for the condition of hard waste collection

Nillumbik Shire Council provides a hard waste collection service for all residential properties we collect rates from. The hard waste service is managed by WM Waste Management Services, all occupiers of private land can book one free hard waste collection per financial year.

Hard rubbish collection pile must not exceed up to two cubic metres, which is:

- 1 metre wide x 1 metre high x 2 metres long
- Two cubic metres is equivalent to:
 - two double mattresses, or
 - one double mattress and an additional one cubic metre of material, or
 - one stove, one fridge, two paint tins, or
 - one stove, one chair, one roll of carpet, or
 - one fridge, one chair, 10 pieces of bundled and tied timber

These items **can** be collected:

- carpet rolled and tied - a maximum of one roll no longer than 1.5 metres and able to be lifted by two people
- crockery
- empty and clean paint tins with the lids off
- household appliances such as refrigerators with doors removed, stoves, washing machines, dishwashers
- electrical appliances
- household furniture
- mattress or mattress base - a maximum of two
- old tins, scrap iron and other waste metal
- sheet glass and mirror wrapped in several layers of strong paper and taped - this must be marked 'GLASS'
- tools, mowers and small car parts
- up to 10 pieces of timber neatly tied and less than 1.5 metres in length

These items **cannot** be collected:

- batteries of any type
- bricks, concrete, stone
- clay, sand, soil
- fence panels
- gas bottles
- green waste
- hazardous waste including asbestos
- household garbage
- liquids including paint, oil, garden sprays, chemicals
- renovation material, building waste and cement sheeting
- tyres
- waste from commercial and industrial premises

DRAFT

Actions affecting council land

Local Law Clause Number 59

Purposes of the Clause

To prevent damage and undue interference with Council land, reserves and open space and undue obstruction to roads and to protect vehicle and pedestrian traffic in places where permitted works are carried out by requirement of a permit.

Applies to

Persons wishing to undertake works on any Council land.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Manager Infrastructure Development

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Manager Infrastructure Development

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

All Council open spaces, roads and streets

Who requires a permit?

Persons desiring to undertake works on any Council land.

Exemptions

Council staff and contractors

Approved events

Emergency Services

Procedure and Protocol Manual for action affecting Council land

Conditions of permit

- works to be in accordance with the approved plans and specifications or standard Council requirements
- the times and conditions during which works must not be carried out
- Council inspections during the works
- the period of the permit
- public safety, pedestrian and vehicle traffic flow and safety
- insurance requirements
- compliance with the Councils road opening and reinstatement procedures if damage to Council assets has occurred during the permit period.

Additional permit considerations – Reserves and open space

- In addition to any or all of the permit conditions above, permission to access Council reserves and open space will be provided based upon the following considerations:
- the nature, type, location and use of the reserve
- amenity of the general public and adjoining properties
- the potential impact on the reserve asset, including the grass, trees and other vegetation as well as built assets
- assessment of reasons provided for access via the reserve
- suitability and proximity of the point of access onto the reserve
- the nature of the building works, duration and expected use of the reserve

Maintenance of drains

Local Law Clause Number 60

Purposes of the Clause

To impose a responsibility on occupiers for maintenance of drains, gutter, downpipe on the land that connects to a drain owned or managed by Council.

Applies to

Any owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Any land that connects to a drain owned or managed by Council.

Who requires a permit?

Not applicable

Exemptions

None

Stormwater drainage connections under the footpath

Local Law Clause Number 61

Purposes of the Clause

To impose a responsibility on occupiers for maintenance of stormwater pipes on any land that connects to a drain owned or managed by Council.

Applies to

Any owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Any land that connects to a drain owned or managed by Council.

Who requires a permit?

Not applicable

Exemptions

None

Protection of drains

Local Law Clause Number 62

Purposes of the Clause

To regulate protection of drains on any land that connects to a drain owned or managed by Council by requirement of a permit.

Applies to

Any owner or occupier of any land

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Any land that connects to a drain owned or managed by Council.

Who requires a permit?

Any owner or occupier of any land desiring to undertake works to any drain vested in the Council.

Exemptions

Council staff and contractors

Emergency Services

Protection of roads

Local Law Clause Number 63

Purposes of the Clause

To regulate protection of roads by requirement of a permit under the *Road Management Act 2004*.

Applies to

Any person seeking to undertake works to any road within the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All roads

Who requires a permit?

Any person desiring to undertake works to any road within the Municipality.

Exemptions

None

Procedure and Protocol Manual for protection of roads

Conditions of permit

For this clause, a **permit** is evidence of consent under the *Road Management Act 2004*

Protection of Vegetation

Local Law Clause Number 64

Purposes of the Clause

To regulate removal of trees and vegetation on any roadside or council land by requirement of a permit

Applies to

Persons wishing to remove vegetation on Council land including roadsides

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

All roads and council land

Who requires a permit?

Any Persons wishing to remove vegetation on Council land and roadsides, except where for the removal of noxious and environmental weeds, fire fuels and certain dead vegetation, or exotic vegetation on urban nature strips, or when in accordance with a fire prevention notice.

Exemptions

Council staff and contractors

Emergency Services

Procedure and Protocol Manual for protection of roads

Conditions of permit

Permits for vegetation removal on Council land and roadsides will be subject to conditions pertaining to the following matters:

- works to be in accordance with the approved plans and specifications or standard Council requirements
- the times and conditions during which works must not be carried out
- Council inspections during the works
- the period of the permit
- pedestrian and vehicle traffic flow and safety and
- insurance requirements

Vehicle crossings

Local Law Clause Number 65

Purposes of the Clause

To regulate vehicle crossings works by requirement of a permit under the *Road Management Act 2004*.

Applies to

Any person seeking to undertake works to any vehicle crossing within the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All owner and occupiers of any land

Who requires a permit?

Any person planning to construct a new driveway, remove or alter an existing vehicle crossing

Exemptions

None

Procedure and Protocol Manual for protection of roads

Conditions of permit

For this clause, a **permit** is evidence of consent under the *Road Management Act 2004*

Asset protection permits

Local Law Clause Number 66

Purposes of the Clause

To regulate protection of council assets for any building works on any land by requirement of a permit.

Applies to

Any person seeking to undertake building works to any land within the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

Our assets include:

- footpaths
- nature strips
- street vegetation and trees
- kerbs and channels
- drains and storm water pits
- roads and right of ways
- street furniture
- signage.
- Vehicle crossings (driveways)
- Any other Council or Government department infrastructure

Who requires a permit?

Any person seeking to undertake work that requires a building permit, including demolition must obtain an asset protection permit before works begins

Exemptions

- Works on unsealed roads
- VicRoads roads (except when there is a footpath, then asset protection permit is required)

Procedure and Protocol Manual for protection of roads

Conditions of permit

Common building works that require an asset protection permit:

- construction of a dwelling, unit, garage, pool house or building;
- demolition or removal of a structure;
- extension to a dwelling;
- additions or alterations to a dwelling;
- construction or installation of a swimming pool or spa;
- fencing with continuous concrete strip footing, brick or masonry fencing;
- commercial or industrial development; and
- structural or civil works.
- delivery of materials using heavy machinery over four tonnes
- use of a concrete truck/pump
- use of a crane
- excavation
- access via a council reserve

The asset protection permit fee is a non-refundable administration fee, no bond required.
Council must be notified within seven (7) days of completion of building works.

DRAFT

Restriction on animals within Bend of Islands

Local Law Clause Number 67

Purposes of the Clause

To regulate the prohibition of keeping domestic pets to protect and preserve the unique ecology within the area of Bend of Islands

Applies to

All owners and occupiers of land within the Special Use Zone in Nillumbik

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

What public places are affected?

All owners and occupiers of land within the Special Use Zone in Nillumbik

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for restriction of animals within Bend Of Islands

Special use zone refers to Schedule 2 to the Special Use Zone (SUZ2) – Environmental Living – Bend of Islands

The keeping of domestic pets or livestock by residents and or/visitors, is prohibited. For the purpose of this Clause, domestic pets include dogs, cats, goats, horses, donkeys and dingoes.

Hours of building work

Local Law Clause Number 68

Purposes of the Clause

To regulate building works during specific hours by requirement of a permit.

Applies to

Any person seeking to undertake building works to any land within the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All owner and occupiers of any land

Who requires a permit?

Any person seeking to undertake any works that requires a building permit outside of the specified hours.

Exemptions

None

Procedure and Protocol Manual for hours of building work

Conditions of permit

Building works are permitted weekdays 7am-6pm and Saturdays 9am-3pm.

Work is not permitted on Sundays or Anzac Day, Good Friday and Christmas Day or the Monday after Christmas Day when Christmas Day is a Saturday or the Tuesday after Christmas Day when Christmas Day is a Sunday.

We need to understand how your work will impact the surrounding areas, including noise, use of footpaths and roads in the course of work.

Stormwater protection

Local Law Clause Number 69

Purposes of the Clause

To regulate protection of stormwater system on any land where building works are being carried out.

Applies to

Any owner or occupier of any land, builder or appointed agent undertaking works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

None

Containment of refuse

Local Law Clause Number 70

Purposes of the Clause

To regulate the requirement of facility for the purpose of disposal of refuse and waste on any land

Applies to

Any owner or occupier of any land, builder or appointed agent undertaking works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

None

Building site fencing

Local Law Clause Number 71

Purposes of the Clause

To regulate the requirement of adequate site fencing on any land within designated zone.

Applies to

Any owner or occupier of any land, builder or appointed agent engaged in building works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

This clause only applies to all land that is in a residential zone, commercial zone, activity centre zone or industrial zone, and is less than 1500m² in size.

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for building site fencing

For this clause, residential zone, commercial zone, activity centre zone or industrial zone means those zones in the planning scheme

Sanitary facilities on building sites

Local Law Clause Number 72

Purposes of the Clause

To regulate the requirement of sanitary facilities on any land prior to building works commencement.

Applies to

Any owner or occupier of any land, builder or appointed agent engaged in building works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

None

Procedure and Protocol Manual for building site fencing

The owner, builder or appointed agent must advise council within 7 days of the installation of a sewerer toilet and obtain council written consent prior to removing the toilet from the land.

For this clause completion of building works means building works that require an occupancy permit to be issued and building works that requires a certificate of final inspection

Identification of building sites

Local Law Clause Number 73

Purposes of the Clause

To regulate the requirement of identification signage of building sites on any land prior to building works commencement.

Applies to

Any owner or occupier of any land, builder or appointed agent engaged in building works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

None

Equipment and materials delivery

Local Law Clause Number 74

Purposes of the Clause

To regulate the placement of equipment and materials delivery

Applies to

Any owner or occupier of any land, builder or appointed agent engaged in building works to any land in the Municipality.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All land

Who requires a permit?

Not applicable

Exemptions

A person must not deliver to any land for which building work is being undertake any:

- Equipment or materials unless an asset protection permit has been issued for that land
- Direct from the road or over the vehicle crossing to the land.

Council may issue permits

Correction amendment, cancellation and suspension of a permit

Local Law Clause No 75 & 76

Purposes of the clause

To provide a procedure for the issuance of permits.

Application

Council staff who consider applications and issue permits.

Procedural Procedure or Protocol Manual for permits

Applications

Permit applications must be completed on the forms provided by the Council, this may be electronically, paper based or other means.

Consideration

The relevant criteria is to be taken into account when an application is being considered. The objection, support or comments of other interested or affected persons are to be considered. Requirements of other legislation, permits and approvals are also to be taken into account.

Conditions

Permit conditions may include any of the following:

- specific things or activities necessary to achieve set standards
- limitations or restrictions on times, days, duration of the permitted activity;
- any restoration or reinstatement required after the permitted activity and
- any other matter relevant to the application.

Cancellation or amendment

A permit may be cancelled, revoked or amended at any time if:

- an application conceals, omits or fails to disclose all known information relevant to the activity
- any error or omission occurred during the consideration of the application and
- circumstances have changed, unforeseeably, since the issue of the permit.

An amendment to a permit must be noted in the register and file and a replacement permit issued as soon as possible.

Not Transferable

Permits are not transferable. A transfer of the rights conferred by the permit will normally require a new application. In some cases, an amending permit may be issued.

Register of permits:

A permit register is to be kept and all permits issued, amended or cancelled are to be entered daily.

Copies of permits are to be kept on the relevant property or subject file.

Fees and charges

Local Law Clause Number 77

Purposes of the Clause

To provide a procedure for setting fees and charges.

Applies to

Any person impacted by fee or charges associated with any application under Nillumbik General Local Law 1

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

Procedural Procedure or Protocol Manual for fees and charges

Council may from time to time by resolution determine the fees or charges under Nillumbik General local law 1.

Council may from time to time by resolution determine an administrative inspection or processing fee or charge in addition to any standard fee or charge under Nillumbik General local law 1.

Council must give reasonable public notice of its resolution to act or alter fees and charges.

In determining any fees and charges Council may establish a system or structure of fees and charges, including a minimum or maximum fee or charge, if it considers it is appropriate to do so.

The Council, may waive, reduce, alter or refund in whole or in part, any fee, charge, bond or guarantee with or without conditions.

Delegation

Exemption from the requirements of this local law

Local Law Clause No 78 & 79

Purposes of the clause

To provide a procedure delegation and exemption of this local law.

Application

Council staff who consider applications and issue permits.

Procedural Procedure or Protocol Manual consideration

Delegation

All staff to be delegated under section 78 of the *Local Government Act*.

Exemption from the requirements of this local law

- Written notice must be provided to exempt any person or class of persons from the requirement to obtain a permit
- Any person specified in this document may be exempt from the requirement to obtain a permit.

Failure to comply with this Local Law, a permit or a notice to comply

Local Law Clause Number 80

Purposes of the Clause

To provide a procedure for failure to comply with any direction under Nillumbik General local law 1.

Applies to

Any person issued a Notice to Comply under Nillumbik General Local Law 1 who has not complied with direction.

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Procedural Procedure or Protocol Manuel for failure to comply with Nillumbik General Local Law 1

A person is guilty of an offence if the person fails to:

- comply with any provision of this Local Law;
- obtain a permit under this Local Law;
- comply with a condition of a permit issued in accordance with this Local Law;
- comply with a Notice to Comply issued in accordance with this Local Law;
- comply with any direction of an Authorised Officer.

Notices to comply

Local Law Clause Number 81

Purposes of the Clause

To provide a procedure for Notices to Comply with any direction under Nillumbik General local law 1.

Applies to

Any person issued a Notice to Comply under Nillumbik General Local Law 1

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

Procedural Procedure or Protocol Manuel for Notices to comply with Nillumbik General Local Law 1

The Council may, by serving a Notice to Comply in the form or to the effect of Schedule 1, direct any person to remedy anything which constitutes an offence under Nillumbik General Local Law 1.

If a Notice to Comply has been issued in relation to a permit and the permit holder is not the owner of the land and the owner's consent was required to be given for the application of the permit, the permit holder must notify the owner of the land of the Notice to Comply and the reason why it was served

Power to act in urgent circumstances

Local Law Clause Number 82

Purposes of the Clause

To provide a procedure for Authorised Officers to act in urgent circumstances with any direction under Nillumbik General local law 1.

Applies to

Council staff who issue Notices to Comply and permits.

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

Procedural Procedure or Protocol Manual for Authorised Officer to act in urgent circumstances

An authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or an animal, without serving a Notice to Comply provided that:

- the circumstance arises out of a person's use of a public place or failure to comply with a provision of this Local Law;
- the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
- the person to whom a Notice to Comply would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.

Impounding

Local Law Clause Number 83

Purposes of the Clause

To provide a procedure for Authorised Officers to impound any item in contravention under Nillumbik General local law 1.

Applies to

Council staff who may be required to impound any item

Policy responsibility

Manager Community Safety & Amenity

Administration

Manager Community Safety & Amenity

Enforcement

Coordinator Community Safety & Amenity

Procedural Procedure or Protocol Manual for Authorised Officer to impound any item

An authorised officer may:

- impound any item that encroaches or obstructs the free use of a public place or any item that contravenes or is being used in contravention of Nillumbik General local law 1.;
- release the item to its owner on payment of a fee determined by the Council, which is not to exceed an amount that reasonably represents the cost to the Council of impounding, keeping and releasing the item; and
- If the authorised officer impounds an item under sub-clause 83 (1), they must serve on the owner a notice, in a form approved by the Council, as soon as possible after the impoundment.
- sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 30 days of service of a notice under sub-clause 83 (2)
- If the identity or whereabouts of the owner of the item impounded under sub-clause 83 (1) is unknown, the authorised officer must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising his or her powers under sub-clause 83 (2).
- Any proceeds of sale left after the Council costs have been reimbursed of any impounded item are to be dealt with pursuant to the Unclaimed Money Act 2008

Infringement Notice

Local Law Clause No 84

Purposes of the clause

To provide a procedure for the issuance of infringement notices.

Application

Authorised officers

Procedural Procedure and Protocol Manual

Service of an Infringement Notice

Infringement notices are served in accordance with section 315 of the Local Government Act 2020. Service may be personally delivered to a person or by delivery to the person's usual or last known place of residence or business with a person apparently not less than 16 years of age who apparently resides or is employed at that place or sending the document by post addressed to the person at the person's last known place of residence or business.

Infringement notices may be issued via Pinforce or generated in Pathway and are in sequence, which is pre-numbered.

An authorised officer may issue an infringement notice i.e. it is a discretionary decision left to the officer's judgment.

Representations

Written explanations or other relevant information or representations in respect of any infringement notice will be considered by the issuing officer provided it is received within 28 days of the date of issue. Such representations or information may be taken into account when deciding to proceed with or withdraw the notice or to grant additional time in which to pay the penalty.

Withdrawal

If unpaid and not withdrawn within 28 days, the relevant Infringement Review Officer will decide whether to take further proceedings. The Infringement Review Officer may withdraw an infringement notice for the purpose of taking a prosecution instead provided the penalty has not been paid. eg. for repeated offences.

Prosecution

Prosecutions may be taken:

- if the infringement notice penalty remains unpaid or
- the offence is a continuing one, a second or subsequent alleged offence by the same person or an offence of a serious nature warranting a prosecution.
- The Infringement Review Officer recommends prosecution to the relevant Manager or Coordinator who in turn, recommends prosecution to the Prosecutor or Council Solicitor.

Register

An Infringement Notice register is to be kept and all Infringement Notices issued or withdrawn are to be entered daily. Details of penalty payments and any further action are to be entered daily.

Schedule 1

Penalties

Clause	Description	Max Penalty Unit
16 - 17	Person contravenes behaviour requirements in a Municipal Place or on Council land.	10
18 - 19	Undertaking unauthorised works on, or interfering with council land	10
20	Consuming or possessing liquor in a prescribed area	10
21	Placing an advertising sign without a permit	10
22	Soliciting or collecting money without a permit	10
23	Failure to store aerosol spray paint containers	10
24	Placing a clothing bin without a permit	10
25	Person conducts street stall or street appeal without a permit.	10
26	Distributing notices, advertise or busking without a permit	10
27	Leaving a shopping trolley on Council land	10
28	Unauthorised use of Fireworks Failure to obtain a permit to discharge fireworks	10
29	Unauthorised use of scare guns	10
30	Failure to collect and dispose of dog excrement	10
31	Keeping more than the permitted number of animals	10
32	Inadequate maintenance of animal housing	10
33	Not controlling noisy livestock	10
34	Feeding wild birds	10
35	Failure to remove wasps	10
36	Failure to dispose of dead livestock	10
37	Causing or permitting an audible and/or visible alarm to activate inappropriately	10
38	Not ensuring that land is not unsightly or detrimental to the general amenity of an area	10
39	Causing an obstruction to visibility	10

40	Causing or permitting vegetation to overhang a road and obstruct passage	10
41	Causing or permitting chimneys to discharge and be dangerous to health or offensive	10
42	Failure to appropriately contain and dispose of swimming water	10
43	Causing or permitting an incinerator to be alight	10
44	Causing or permitting inappropriate open air burning	10
45	Burning a large heap in contravention of clause 45	10
46	Placing a skip on a road contrary to requirements	10
47	Using a motorised toy vehicle on private land without a permit Using a motorised toy vehicle on Council land without a permit	10
48	Inappropriately using a toy vehicle in a public space Using a toy vehicle in a toy vehicle-free area	10
49	Person services, paints, dismantles or repairs any motor vehicle on a road or Council land.	10
50	Failure to maintain allotted number on premises	10
51	Causing or permitting camping on private land without a permit Camping on Council land without a permit Living in a caravan without a permit	10
52	Failure to apply for permit to store shipping container	10
53	Failure to apply for a permit to remove amenity trees	10
54	Owner or occupier fails to comply with maintenance of waste, organic and recycling bins requirements.	10
55	Bin not retrieved within 24 hours of collection Bin placed incorrectly	10
56	Inappropriate disposal of rubbish and waste	10
57	Failure to dispose of items correctly at Council recycling centre	10
58	Person fails to comply with hard waste collection requirements.	10
59	Person removes, damages or interferes with a structure or item on a road, footway or Council land without a permit.	10
60	Person destroys, damages, defaces, interferes with, excavates or taps into drain.	10
61	Owner or occupier allows drain or stormwater retention system to operate outside the purpose for which it was designed.	10

62	Person destroys, damages, defaces, interferes with, excavates or taps into drain.	10
63	Failure to apply for a permit for Protection of roads	10
64	Failure to obtain permit for tree removal	10
65	Person fails to obtain a permit to construct, install, remove or alter a vehicle crossing or temporary vehicle crossing. Person causes or allows a motor vehicle to enter or exit land other than via a vehicle crossing.	10
66	Person fails to comply with a condition of Asset Protection Permit. Person carries out work on land without Asset Protection Permit.	10
68	Owner, occupier or builder fails to comply with building works hours. Owner, occupier or builder fails to comply with direction to cease building works.	10
69	Owner, occupier or builder discharges substance other than stormwater into a Council stormwater drain.	10
70	Failure to provide a container for trade waste in the appropriate manner	10
71	Failure to secure Building site Endangering health, life, property or an animal	10
72	Failure to provide adequate sanitary facilities.	10
73	Failure to maintain signage identification on premises	10
74	Person fails to comply with pick up or delivery of goods to commercial premises requirements.	10
80	Failure to comply with a Notice to Comply	20
81	Failure to comply with a direction of an authorised officer	20

Unless specified in the penalty table the penalties for a contravention of this local law are:

Infringement Notice fixed penalty - 1 penalty unit

On conviction for a first offence - up to 10 penalty units

On conviction for a second or subsequent offence - up to 20 penalty units

After conviction for a continuing offence - up to 2 penalty units per day





Live Local *Plant Local*

A guide to planting in Nillumbik

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

Acknowledgements

Live Local Plant Local (6th edition) was compiled to provide information to landowners on the locally indigenous plants commonly found and suitable for garden plantings. The information in this guide is based on the previous edition of Live Local Plant Local; however the updated plant list reflects current plant availability and ease of propagation. Additional information to encourage sustainable gardening practices has also been included.

All plant nomenclature is in line with Royal Botanic Gardens Melbourne (2007) *A Census of the Vascular Plants of Victoria Eighth Edition*, the Australian Plant Census (under development) and any additional published nomenclature corrections.

We would like to thank David Cameron (Senior Botanist, Department of Environment and Primary Industries/Arthur Rylah Institute) and Dr Graeme Lorimer for their technical support and advice.

Photographs: Lori Arthur
Craig Cleeland
Michael Cincotta
Pat Coupar
Julia Franco
Julia Gibson
Leon Grinszpan
Alison Hickey
Dr Graeme Lorimer
Damon Lee
Lyn Meredith
Colleen Miller
Helen Moss – from *The Plants of Melbourne's Outer East* CD-ROM
(produced by Baber Enterprises Pty Ltd).
Anthony Owen
Bill Pemberton
Nigel Philpot
Ralph Spethmann
Susie Walker
Cathy Willis

Copyright: The information in this booklet may be copied with acknowledgement to Nillumbik Shire Council. The reproduction of any photos will require permission, please contact Nillumbik Shire Council's Environmental Planning Unit for more information.

Cover image: *Acacia paradoxa* by Julia Franco

Design: Naina I Knoess



Contents

Introduction	2
•What are indigenous plants?	2
•Nillumbik's indigenous plants.....	2
•Indigenous plants in the garden	3
Creating your indigenous garden	4
•Garden design	4
•Habitat gardening	5
Indigenous plants on your property.....	6
•Regenerate or replant?.....	6
•Windbreaks, shelterbelts and wildlife corridors.....	6
•Fire and the environment	7
Tips for successful planting.....	8
•Plant selection	8
•Site preparation.....	9
•Planting technique.....	10
•Maintenance	12
Tips for planning and designing your garden	14
•Hedges and borders	14
•Creepers and climbers.....	15
•Lawn alternatives.....	16
•Groundcovers	16
•Feature trees	17
•Screen plants.....	17
•Colourful flowers.....	18
Where can I buy indigenous plants?	20
Indigenous plant list	21
•Creepers and climbers.....	22
•Herbs and groundcovers.....	28
•Lilies.....	38
•Grasses	42
•Rushes and sedges.....	50
•Shrubs	54
•Trees	76
Pest plants.....	88
Pest plant list	90
Index of indigenous plants by common name	96
Further reading.....	98

Introduction

What are indigenous plants?

Indigenous plants are the original flora, or plants that occur naturally, in a given location. Because they have evolved to the conditions within the local environment, indigenous plants are well adapted to the soils, topography and climate of the local area. Indigenous species also help to maintain the ecological balance of the local ecosystem, as plants and animals depend upon one another in an often complicated interrelationship. In many instances, the loss of particular plants or animals from one area can result in the loss of other organisms in another. For example, the Eltham Copper Butterfly relies on the indigenous plant *Bursaria spinosa* (Sweet Bursaria) and a species of native ant to complete its life cycle. Due to the decline in the population of this plant, the Eltham Copper Butterfly is now a vulnerable species.



Nillumbik's natural areas provide spectacular displays of wildflowers in spring.

Indigenous plants in the garden

Many of Nillumbik's local indigenous plant species make ideal garden plants as they are adapted to thrive under local conditions, they fit beautifully within the Nillumbik landscape and they look great in any garden, providing spectacular displays of colour and texture throughout the seasons.



Nillumbik's indigenous plants

The Shire of Nillumbik is widely recognised for its rich and varied flora and significant natural areas.

Approximately 796 different species of indigenous plants have been recorded in the Shire, ranging from small and delicate ground covers to an assortment of majestic trees, shrubs, beautiful wildflowers, grasses and sedges. Many of these plants are now listed as either threatened under the *Environment Protection and Biodiversity Conservation Act 1999*, rare or threatened in Victoria and/or threatened under the *Flora and Fauna Guarantee Act 1988*.



The Eltham Copper Butterfly is now a vulnerable species due to habitat loss.

The benefit of establishing indigenous plants are that they:

- are perfectly suited to our local soils and climate, and many species will thrive without fertilisers or sprays
- require little maintenance to keep them looking healthy and neat
- can withstand Melbourne's hot, dry summers and long dry periods with little or no watering
- grow quickly and often flower within the first season of being planted
- have greater resistance to disease
- attract and provide food and shelter for local native birds, insects and other animals
- reflect Nillumbik's natural character, preserving and enhancing a sense of local identity
- will save you money and water
- offer you the opportunity to grow a more sustainable garden.

Creating your indigenous garden

Garden design

Indigenous plants can be used to beautiful effect in almost any style of garden. When deciding where and what to plant consider the garden as a whole, taking into account such things as:

- 1. The style of garden** you are trying to create, and how you would like it to fit into your local landscape or neighbourhood. Examples include a bush garden, contemporary garden or cottage garden. If you already have an existing garden featuring exotic plants, think about how indigenous species could work with them.
- 2. How you use your garden** – consider including features such as a bench under a tree to sit and relax, or a path that meanders through different areas within the garden.
- 3. Design elements** such as feature trees and the inclusion of different layers of shrubs, grasses, flowers and groundcovers. Consider the colours and textures of flowers and foliage and how they will work together in the garden.
- 4. Habitat elements** such as bird baths placed near prickly shrubs (for shelter), nest boxes in large trees, large rocks for lizard lounging, or a pond with refuge logs for frogs.
- 5. The function, mature size and growing requirements** of each plant. Ideally, plants with similar growing requirements should be grouped together to maximise growth and efficiency of water use.

Before you start to plan your new garden remember to look up for powerlines and check for services below ground. It may be a wasted effort to plant extensively in easements where access for maintenance and other works may be required.



A meandering path allows you to enjoy the different areas of your garden.

Habitat gardening

One of the many benefits of indigenous plants is that they can attract a large range of wildlife, including insects, birds and lizards. With some thoughtful design, you may be surprised at the types of animals you can attract to your garden, even in suburban areas.

Select a variety of plants to create a complex and natural structure, including large trees, small and large shrubs, groundcovers, grasses and sedges. Plants that produce flowers and seeds provide food for many of our native birds and mammals, whilst prickly shrubs provide them with a refuge in which to build their homes or escape from predators. Dense prickly shrubs and mature trees such as *Acacia verticillata* (Prickly Moses) and *Eucalyptus melliodora* (Yellow Box) can provide homes for a large range of insect, bird and mammal species.

Dead trees and shrubs can also provide habitat for many of our native fauna. Take notice of any wildlife that are visiting your garden and check if you need planning permission before you remove any dead trees or shrubs, as they may be providing a source of food or habitat.

In addition to dead shrubs and trees, leaving a few logs (particularly those containing hollows), sticks and leaves on the ground can provide habitat for many local insects and lizards.

Take notice of any wildlife that are visiting your garden and check if you need planning permission before you remove any dead trees or shrubs, as they may be providing a source of food or habitat.



A pond with submerged rocks and logs can attract frogs to your garden. Rocks, logs and dense plantings can provide habitat for a range of wildlife.



Indigenous plants on your property

Regenerate or replant?

If you live in an area with pockets of existing (remnant) indigenous vegetation, it is important to firstly consider whether you may be able to recruit new plants through natural regeneration.

By allowing existing herbs, grasses and shrubs to set seed you will obtain new plants at little or no cost, in a matter of months.

Fencing existing patches of indigenous vegetation from stock and/or controlling rabbits can allow new plants to regenerate, often in a relatively short period of time.

Reducing your mowing regime in grassy areas that contain some indigenous vegetation can also be an effective way of encouraging the natural vegetation on your property to regenerate.

In suburban or cleared areas, replanting with quality nursery stock will almost certainly be required to establish indigenous plants on your land.



A well-designed shelterbelt provides a number of benefits to your property.

Windbreaks, shelterbelts and wildlife corridors

Local indigenous plants are great to use when creating a windbreak, shelterbelt or a wildlife corridor.

Windbreaks or shelterbelts can help to improve productivity of farms, reduce wind erosion and improve comfort in the home. A well designed windbreak can reduce wind speed by more than 70 per cent and shelter an area roughly 20 times the mature height of the trees planted.

Many farmers are now dividing crops and pasture with thickets of indigenous vegetation to reduce evaporation rates and attract insectivorous animals. In turn, these animals help to protect crops from insect attack. Many landowners with isolated or small stands of remnant trees on their properties are now restoring understorey vegetation to improve the health of existing

trees and to link these areas with local wildlife corridors.

For a windbreak to be effective it should be structured over a wide area with different tiers of vegetation. A gentle upward slope will deflect wind to a higher elevation, while a steep windbreak tends to be less effective.

Factsheets on shelterbelt design are available at www.nillumbik.vic.gov.au → Environment → Land Management → Community Environmental Recovery Action Plans. The Department of Environment and Primary Industries also have several factsheets on shelterbelt design.

Fire and the environment

Fire has been a natural part of Australia's ecosystems for thousands of years. Indigenous plants have successfully adapted to its presence and some species even rely on fire to stimulate reproduction.

The need to plan for fire prevention should always be considered when undertaking planting or landscaping works, especially in areas that are prone to bushfire.

Under the right conditions all plants, both indigenous and exotic, can be a potential fire risk. All property owners should prepare a fire management plan for their family and home.

To obtain further advice on developing a plan, visit the County Fire Authority (CFA) website www.cfa.vic.gov.au.

The CFA and Department of Environment and Primary Industries have several publications addressing the issue of vegetation and fire management.



Tips for successful planting

There are four important elements to successful planting:

- Plant selection
- Site preparation
- Planting technique
- Maintenance

Plant selection

When it comes to selecting indigenous plants for your garden always consider which species are most appropriate for your site. For example, a Swamp Gum is well suited for planting in a gully situation but would not do well if planted on a dry hilltop. To find the ideal spot for your plant, consider its soil, moisture and sunlight requirements and potential size when fully grown. An indigenous plant nursery will be able to help you with selecting suitable plants.

Also consider how plants may interact with each other, especially the impact large trees may have in your garden as they mature. If they are not carefully selected and positioned, large trees may shade out sun-loving plants underneath them, impact nearby buildings or plumbing with their vigorous roots, or create problems with leaves dropping in gutters.

When choosing plants from a nursery, remember that tall plants in larger pots will not necessarily give you better results. Tubestock (plants in 15cm tall plastic tubes) will generally catch up with and outgrow larger, more mature stock. They are also easier to establish in difficult sites with poor soils.

The availability of plant stock from your local indigenous nurseries may influence your planting program, as many nurseries only grow to order. When ordering large numbers of plants, stock should be ordered well in advance.



Tubestock is less expensive and will generally catch up and outgrow more mature stock.

Local provenance — It is important when using indigenous plants to select plants that are of local provenance, i.e. the local genetic form of the plant. Many nurseries stock indigenous plants that are not grown from locally collected seeds or cuttings, and these plants may actually endanger the local genetic stock through interbreeding. When purchasing indigenous plants always make sure you ask where the seed or cutting material was collected — if it's not from the Nillumbik area, don't buy it.

Site preparation

To find the ideal spot for your plant, consider its soil, moisture and sunlight requirements and potential size when fully grown.

Soil

Ideally, soil is loose and relatively fine-grained. Nillumbik's soils, however, generally have a shallow topsoil and solid yellow clay below, which can be very difficult to work with. These heavy clays can be improved by adding compost or other organic matter, or by digging in a little gypsum and watering prior to planting.

If you need to bring soil into your site, remember that imported soils can bring new weed seeds and diseases to your neighbourhood, so always use locally obtained soils if possible.

Remember that indigenous plants have adapted to local conditions, so selecting the right plant for your soil conditions will greatly improve your chances of success.

Weeds

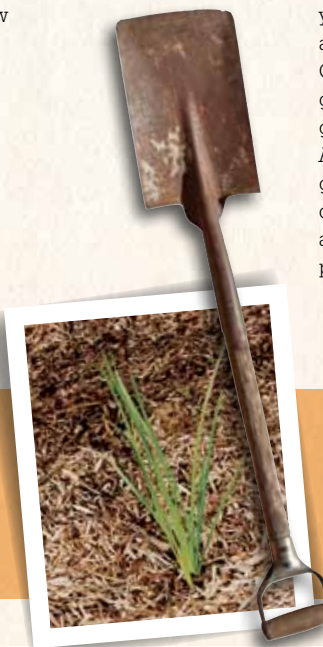
Weeds should be controlled prior to planting to reduce competition and post-planting maintenance. There are a range of techniques and products that can be effective in controlling weeds, including both chemical and non-chemical methods.

Please refer to the Pest Plants section on page 88 of this booklet for more information.

Pre-planting mulch

Good quality mulch should be spread over your garden to a minimum depth of 10cm prior to planting. Covering the soil surface with mulch can improve soil structure, nutrient availability and water retention, and prevent future weed growth. If you are on a bush block it is important to identify existing indigenous vegetation to ensure you do not mulch over the top of it.

Ensure that the mulch you select is made from a sustainable resource. Chipped waste wood and green waste mulches are generally a good option. Always ensure that any green waste has been well composted before use to kill any weed seeds that may be present.



Mulch improves soil and helps to prevent weed growth.

Tips for successful planting

Planting technique

Once your site is well prepared you can begin planting. Generally, planting after the first heavy autumn rain is the best time for dry or exposed sites. For frost prone areas, spring may be a more appropriate time for planting. Try to avoid any planting during the summer period.

Step 1

Prepare the planting hole – the planting hole should be approximately twice the width of the plant container and slightly deeper. Remember to dig the hole into the soil below the mulch – if you plant straight into the mulch your plant will dry out and die.

Step 2

Pre-soaking – give your plants a thorough pre-soaking in a bucket of water prior to planting. In dry soils, fill the hole with water and allow it to drain before planting.

Step 3

Prepare the plant – any particularly long or coiled roots protruding through the bottom of the pot can be pruned with sharp secateurs before removing the plant from the pot. Some root disturbance is tolerable but be careful not to damage living roots. When planting good quality tubestock, it is not necessary to 'tickle', or tease out the plant's roots.

Step 4

Remove the plant from the pot – this is best achieved by turning the pot upside down and striking the rim gently against a solid object.

Step 5

Place the plant into the hole – so that the plant is a little lower than the original soil level. Firmly replace the soil around the plant, breaking up any lumps as you go.

Step 6

Water the plant in well – initially all plants need to be watered individually to settle soil around the root system. Plants may require a good deep soaking once a week when establishing, particularly during dry periods.



Make sure you dig the hole into the soil below the mulch.



Tips for successful planting

Maintenance

One of the great things about indigenous plants is that they require very little maintenance. With just a little work each year, your indigenous garden will continue to look healthy, neat and beautiful.

1. Reducing competition

Controlling and removing weeds in areas of your garden or property that contain indigenous vegetation reduces competition for water, light and nutrients, helping to enhance growth.

Unwanted grazing by stock, kangaroos, wallabies, rabbits and hares can also cause problems when trying to establish new plants. When undertaking a large planting, consider using tree guards to protect your plants until they are established, or a temporary fence to prevent damage from grazing animals.

2. Watering

Monitor new plants during their first summer. If there has not been a good soaking rain by mid summer, they will benefit from weekly or fortnightly watering. Deep, occasional watering will help the plant establish deeper roots.

3. Mulching

Topping-up mulch annually helps to increase water retention and over time, will increase the organic matter in your soils.



Indigenous gardens look great with very little maintenance.

4. Pruning

In a garden setting, many indigenous plants will respond well to careful pruning, and many will provide better shows of flowers if heavily pruned.

Pruning is usually best carried out after the plant has finished flowering. If you are developing a hedge, begin pruning early in the plant's life.

5. Fertiliser

Fertilisers aren't usually necessary when growing indigenous plants and may encourage weed growth. Too much fertiliser can also cause fast, soft plant growth, leaving plants more vulnerable to insect attack or harsh climatic conditions.

Too much phosphorus in particular, can kill many indigenous plants. The addition of compost or other organic matter is a much better option for promoting healthy growth.

If you do choose to fertilise, mix a small amount of slow-release, low phosphate fertiliser with the soil and backfill into the hole. Further fertilising is not usually necessary.



Mulching tips

- Avoid hot, steaming mulch, as this indicates that it is still composting.
- Check for and remove mulch-borne seedlings to prevent weed invasion.
- Mulch to about 5-10cm to allow rain penetration, suppress weeds and reduce soil moisture loss.

Large plantings may require the use of tree guards to protect young seedlings.

Fertilisers aren't usually necessary when growing indigenous plants and may encourage weed growth.

Tips for planning and designing your garden

Indigenous plants can be used to create a natural garden, can be grown in pots, arranged formally to enhance a traditional garden, or be used as cut flowers. In fact, there is probably an indigenous plant for every use in your garden. The following list provides examples of how some indigenous plants can be used to landscape your yard.

Hedges and borders

Many indigenous plants are responsive to pruning and can therefore be grown to form a hedge:

Botanical name	Common name	Page no.
<i>Acacia acinacea</i>	Gold Dust Wattle	55
<i>Bursaria spinosa</i>	Sweet Bursaria	57
<i>Melaleuca ericifolia</i>	Swamp Paperbark	67
<i>Melicytus dentatus</i> (formerly <i>Hymenanthera dentata</i>)	Tree Violet	74
<i>Pomaderris racemosa</i>	Cluster Pomaderris	75
<i>Spyridium parvifolium</i>	Dusty Miller	72

Small shrubs can be pruned to shape and create a dwarf hedge:

Botanical name	Common name	Page no.
<i>Correa glabra</i>	Rock Correa	60
<i>Daviesia latifolia</i>	Hop Bitter-pea	73

Many indigenous tussock forming species are ideal to use as border plants:

Botanical name	Common name	Page no.
<i>Dianella laevis</i>	Smooth Flax-lily	40
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush	52
<i>Poa labillardierei</i> *	Common Tussock-grass	44

* Poa should be pruned back after flowering to encourage new green growth.



Purple Coral Pea's (*Hardenbergia violacea*) purple flowers look spectacular when trained along a fence or feature tree.

Creepers and Climbers

These plants look great when trained to grow along a fence or when climbing the trunk of a feature tree:

Botanical name	Common name	Page no.
<i>Clematis decipiens</i>	Slender Clematis	24
<i>Hardenbergia violacea</i>	Purple Coral Pea	24
<i>Kennedia prostrata</i>	Running Postman	25
<i>Pandorea pandorana</i>	Wonga Vine	26

Tips for planning and designing your garden

Lawn alternatives

Native lawns, once established, require much less water and fertiliser than traditional lawns.

The various species tolerate light to heavy traffic, so ask your nursery which is best for your situation.

Try to leave lawn clippings on the ground whenever possible to retain organic matter and nutrients onsite. Some species suitable as a native lawn are:



Kidney Weed (*Dichondra repens*) as a lawn substitute.

Botanical name	Common name	Page no.
<i>Dichondra repens</i>	Kidney Weed	33
<i>Rytidosperma geniculatum</i> (formerly <i>Austrodanthonia geniculata</i>)	Knead Wallaby-grass	46
<i>Rytidosperma penicillatum</i> (formerly <i>Austrodanthonia penicillata</i>)	Weeping Wallaby-grass	49
<i>Rytidosperma racemosum</i> (formerly <i>Austrodanthonia racemosa</i>)	Slender Wallaby-grass	47
<i>Microlaena stipoides</i>	Weeping Grass	43

Groundcovers

These spreading plants look great in rockeries or to fill space underneath a shrub layer in the garden:

Botanical name	Common name	Page no.
<i>Dichondra repens</i>	Kidney Weed	33
<i>Einadia nutans</i>	Nodding Saltbush	36
<i>Viola hederacea</i>	Native Violet	35

Feature trees

Some indigenous plants make ideal specimen trees for feature planting in a lawn or garden bed. Some species suitable for large gardens are:

Botanical name	Common name	Page no.
<i>Eucalyptus melliodora</i>	Yellow Box	81
<i>Eucalyptus polyanthemus</i>	Red Box	82
<i>Eucalyptus tricarpa</i>	Red Ironbark	84

The following species perform well as individual trees in a smaller garden:

Botanical name	Common name	Page no.
<i>Acacia implexa</i>	Lightwood	77
<i>Acacia melanoxylon</i>	Blackwood	78
<i>Acacia pycnantha</i>	Golden Wattle	56
<i>Allocasuarina littoralis</i>	Black Sheoke	79

Screen plants

Screen planting is often necessary to create privacy, conceal undesirable views or buffer wind and noise. Any of the trees and larger shrubs listed in this booklet are suitable for this purpose, especially:

Botanical name	Common name	Page no.
<i>Acacia melanoxylon</i>	Blackwood	78
<i>Allocasuarina verticillata</i>	Drooping Sheoke	85
<i>Bursaria spinosa</i>	Sweet Bursaria	57
<i>Melaleuca ericifolia</i>	Swamp Paperbark	67
<i>Prostanthera lasianthos</i>	Victorian Christmas Bush	70
<i>Solanum laciniatum</i>	Large Kangaroo Apple	72

Tips for planning and designing your garden

Colourful flowers

To achieve a mass of colour in your garden try a few of the following indigenous plants:

Yellow flowers

Botanical name	Common name	Page no.
<i>Chrysocephalum apiculatum</i>	Common Everlasting	31
<i>Chrysocephalum semipapposum</i>	Clustered Everlasting	32
<i>Coronidium scorpioides</i> (formerly <i>Helichrysum scorpioides</i>)	Button Everlasting	32
<i>Goodenia ovata</i>	Hop Goodenia	63

Red or Pink Flowers

Botanical name	Common name	Page no.
<i>Epacris impressa</i>	Common Heath	62
<i>Kennedia prostrata</i>	Running Postman	25
<i>Pandorea pandorana</i>	Wonga Vine	26

White flowers

Botanical name	Common name	Page no.
<i>Clematis aristata</i>	Old Mans Beard	23
<i>Olearia lirata</i>	Snowy Daisy-bush	68
<i>Ozothamnus ferrugineus</i>	Tree Everlasting	68
<i>Spyridium parvifolium</i>	Dusty Miller	72



Smooth Flax-lily (*Dianella laevis*) provides a beautiful display of pale blue flowers from August to January, followed by purple berries.

Purple flowers

Botanical name	Common name	Page no.
<i>Brachyscome multifida</i>	Cut-leaf Daisy	30
<i>Hardenbergia violacea</i>	Purple Coral Pea	24
<i>Indigofera australis</i>	Austral Indigo	65
<i>Solanum laciniatum</i>	Large Kangaroo Apple	72

Blue flowers

Botanical name	Common name	Page no.
<i>Dianella laevis</i> (formerly <i>Dianella longifolia</i>)	Smooth Flax-lily	40
<i>Dianella admixta</i> (formerly <i>Dianella revoluta</i>)	Black-anther Flax-lily	40
<i>Wahlenbergia stricta</i>	Tall Bluebell	37

Where can I buy *indigenous plants?*

The following is a list of local nurseries that specialise in growing plants indigenous to the Shire of Nillumbik. They also offer advice and guidance on species selection.

Edendale Indigenous Plant Nursery

30 Gastons Road, Eltham
Phone: 9433 3703
Email: Edendale.Nursery@nillumbik.vic.gov.au
Open: Everyday (9.30am-4.30pm)

Victorian Indigenous Nursery Cooperative (VINC)

Yarra Bend Road, Fairfield
Phone: 9482 1710
Open: Monday-Friday (9am-4pm); Saturday (10am-4pm)

Friends of Warrandyte State Park Nursery

Pound Bend Road, Warrandyte
Phone: 0408 317 327
Open: Thursday (9.30am-12.30pm); first Saturday of each month (9am-1pm); first Sunday of every month, 2pm to 4pm

Habitat Links

Smiths Gully
Phone: 0438 878 270
By appointment.

La Trobe Wildlife Sanctuary Indigenous Plant Nursery

La Trobe University, Bundoora. Entry and parking via La Trobe Avenue
Phone: 9479 5061
Email: Plants@latrobe.edu.au
Open: Tuesday, Thursday and Sunday (10am-3pm)

Stringybark Community Nursery

Behind St Andrews Community Centre, entry off School Road, St Andrews.
Email: stringybarkcommunitynursery@gmail.com
Open: First and third Wednesday of the month (3.30pm-5pm). All other days by appointment.

Osborne Peninsula Landcare Nursery

39 Osborne Road, North Warrandyte
Contact: www.osbornelandcare.com.au/nursery
Open: Sundays (2pm-4pm)

Many Landcare and Friends groups propagate their own plants for projects. To find out more about your local community environment group please visit www.nillumbik.vic.gov.au or call Council's Environmental Planning team on 9433 3316.

Volunteering with your local community environment group is a great way to learn more about indigenous plants.



Indigenous PLANT LIST

The following is a list of plants you may wish to include in your garden. Some are suitable to use in container plantings or for a mass of colour, while others look great when used in formal designs or as specimen plants.

Please note: All plant sizes mentioned in this publication are approximate. Environmental conditions will influence the final height and width of a plant.



Creepers & Climbers

These showy, attractive plants grow well trained along a fence or climbing up a tree. They can also be used as a spreading or matting ground cover.

Kennedia prostrata
Running Postman

Creepers and climbers



Billardiera mutabilis
Common Apple-berry

A twiner or soft climber with bell shaped flowers. Planted amongst shrubs and groundcovers, the Common Apple-berry adds a delicate tangle of branches. This plant is bird attracting.

Size and habit

- A soft climber that gently winds its way along the stems and branches of other plants.

Flowers and foliage

- Leaves 2-4cm long with wavy margins and soft, hairy new growth.
- A profusion of narrow, yellow-green tubular flowers hang from the branches. Flowering usually occurs from late winter to early summer, followed by light green to brownish cylindrical fruit.

Preferred growing conditions

- Well-drained soils in semi shade.
- Will tolerate drier conditions.



Clematis aristata
Old Mans Beard or Mountain Clematis

A vigorous, showy climber with sweetly scented star-like flowers and attractive, feathery seed heads.

Size and habit

- A vigorous climber capable of climbing metres high.

Flowers and foliage

- Eye-catching masses of creamy white star-shaped flowers from August to March.
- Attractive, feathery seed heads.

Preferred growing conditions

- Moist, well-drained soils.
- Full shade to semi sun.

Creepers and climbers



Clematis decipiens (formerly
Clematis microphylla s.l.)
Slender Clematis

This fast growing climber is good for fences or screen areas on drier sites.

Size and habit

- A fast-growing climber.

Flowers and foliage

- Attractive cream-coloured, star-shaped flowers from July to November.
- Fluffy seed heads.
- Similar to *Clematis aristata*, with smaller and narrower leaves.

Preferred growing conditions

- Full to semi sun.
- Dry, well-drained soils.



Hardenbergia violacea
Purple Coral-pea

The purple pea flower provides a beautiful display of colour when climbing up a shrub or over a retaining wall.

Size and habit

- Very attractive and fast growing.
- Growth will vary according to conditions.

Flowers and foliage

- A showy, wiry creeper with beautiful purple pea flowers and broad, dark green leaves.

Preferred growing conditions

- Sunny or partly shaded position with well-drained soils for a long lasting floral display.

Comment

- The cultivars of this plant are more vigorous than the gentle and subtle bush form and present a significant risk to the wild populations through genetic pollution.

Hovea heterophylla
Common Hovea

This dainty little plant looks attractive under trees or when planted amongst other small plants.

Size and habit

- A trailing or erect small shrub to 1m tall.

Flowers and foliage

- Mauve-coloured, pea-type flowers from August to October.
- Long, narrow leaves.

Preferred growing conditions

- Semi sun to full shade.
- Dry, well-drained soil.



Kennedia prostrata
Running Postman

Trailing, hardy and adaptable groundcover with red pea-shaped flowers and wavy edged leaves. Spectacular in decorative pots or hanging baskets where the flowers can cascade down the sides.

Size and habit

- Groundcover with long, slender trailing stems.
- The growth will vary so plant in 30-40cm spacing if you are after a dense mat.

Flowers and foliage

- Attractive grey-green, clover like leaves with a softly crinkled texture.
- Bright red pea flowers with yellow centres.
- Mainly flowers in spring.

Preferred growing conditions

- Sunny spot with well-drained soils for a superb long lasting display.
- Tolerates dry conditions once established.

Creepers and climbers



Pandorea pandorana
Wonga Vine

A showy climber which is great for covering fences and pergolas. The Wonga Vine requires a strong structure or tree to climb up.

Size and habit

- A dense, vigorous climber.

Flowers and foliage

- Dark green leaves.
- White trumpet flowers with burgundy throats.
- Flowers in spring and summer.

Preferred growing conditions

- Partly shaded areas with well-drained soils and regular water.
- Its natural habitat is in tall, wet forest and rainforests.



Thysanotus patersonii
Twining Fringe Lily

more Creepers and climbers

NAME	GROWING CONDITIONS	FEATURES
<i>Comesperma volubile</i> Love Creeper	<ul style="list-style-type: none">• Prefers sun or partly shaded areas.• Well-drained moist soils.	<ul style="list-style-type: none">• An almost leafless, dainty climber with showy blue flowers.• Flowers from August to December.
<i>Glycine clandestina</i> Twining Glycine	<ul style="list-style-type: none">• Full shade to semi sun.• Moist, well-drained soil.• Tolerates dryness once established.	<ul style="list-style-type: none">• A dainty climber with small, mauve pea flowers from October to January.• Food plant for caterpillars.
<i>Thysanotus patersonii</i> Twining Fringe-lily	<ul style="list-style-type: none">• Prefers well drained soils.• Tolerates full sun, dappled and semi shade.	<ul style="list-style-type: none">• Very fine and pretty little climber which produces numerous purple flowers that are fringed tipped.• Flowers from August to November.• Dies back over summer and emerges from the dormant tuber in winter.



Herbs & groundcovers

These plants play an important role in the landscape. Not only are they attractive, they are useful for binding soil, minimising weed growth, attracting butterflies and are important for attracting pollinators for other plants. Indigenous herbs and groundcovers are able to tolerate a wide range of growing conditions.

Leucochrysum albicans
Hoary Sunray

Herbs and groundcovers



Acaena novae-zealandiae
Bidgee-widgee

This creeping groundcover is useful for binding soil and tolerates a range of conditions.

Size and habit

- Creeping groundcover that dies back during winter.

Flowers and foliage

- Greenish-white flowers from October to January.
- Fruits are round with blunt spines and are dispersed by animals and humans.

Preferred growing conditions

- Tolerates wet or dry conditions.
- Full to semi sun.



Brachyscome diversifolia
Tall Daisy

This pretty daisy is endangered in the Melbourne region. Providing soil is well-drained, this butterfly attracting flower is excellent for small gardens, rockeries or containers.

Size and habit

- Forms a small creeping clump with daisy flowers.

Flowers and foliage

- Produces clusters of white and yellow daisy flowers from October to February.

Preferred growing conditions

- Well-drained soil.
- Full to semi sun.

Herbs and groundcovers



Brachyscome multifida
Cut-leaf Daisy

Year-round daisy-like flowers make this an ideal cottage garden plant, which is also butterfly attracting.

Size and habit

- Ornamental, low spreading perennial.

Flowers and foliage

- Lilac blue, mauve pink or white daisy-like flowers year round, peaking in spring and summer.

Preferred growing conditions

- Moist soil. Will tolerate dryness once established.
- Full to semi sun.
- May require a light pruning after flowering.



Brunonia australis
Blue Pincushion

This flowering annual looks attractive when mass planted and grows well in containers in an open sunny position. Blue Pincushion is butterfly attracting.

Size and habit

- Rosette of spoon shaped leaves that grow in clusters.
- Perennial herb.
- Can grow up to 50cm high when flowering.

Flowers and foliage

- Dense, blue 'pin cushion' flowers on tall stems from October to January.
- Leaves at ground level.

Preferred growing conditions

- Dry to moist, well-drained soils.
- Semi to full sun.

Chrysocephalum apiculatum
Common Everlasting

This herb requires regular pruning to encourage new growth and is butterfly attracting.

Size and habit

- Spreading prostrate herb.

Flowers and foliage

- Bright yellow flowers mainly from September to December.
- Silvery-grey foliage.

Preferred growing conditions

- Well-drained soil.
- Full sun.
- Prune regularly to encourage new growth.



Chrysocephalum semipapposum
Clustered Everlasting

This attractive herb requires regular pruning to encourage new growth and is butterfly attracting.

Size and habit

- A tufted, perennial herb with erect, leafy stems which form from a creeping rhizome up to 1m tall.
- Plants are variable and three distinct plant forms occur in Nillumbik (Diamond Creek/Plenty, Hurstbridge and Eltham/Warrandyte forms).

Flowers and foliage

- Clusters of golden yellow daisy flowers from August to March.
- Tight clumps of silvery-green foliage.

Preferred growing conditions

- Full to semi sun.
- Grows in dry areas along ridges and rocky outcrops.
- Prune after flowering to encourage new growth.

Herbs and groundcovers



Coronidium scorpioides
(formerly *Helichrysum scorpioides*)
Button Everlasting

This herb requires regular pruning to encourage new growth and is butterfly attracting.

Size and habit

- Underground runners create low, sprawling patches, typically 40cm across, with flower stems reaching 30cm tall.
- Perennial herb, dying back in the late summer.

Flowers and foliage

- Leaves are roughly oblong, fleshy and velvety, typically 5cm long.
- Produces a single yellow flower held high on the upright stems, from September to December.
- The flowers are 2-3cm across and dry well if picked young.

Preferred growing conditions

- Full or semi sun in well-drained soils.



Dichondra repens
Kidney Weed

This plant is a vigorous groundcover that can be grown to suppress weeds or provide a great lawn alternative where traffic is light.

Size and habit

- A matting groundcover that spreads quickly, covering large areas.
- Easily divided and transplanted.

Flowers and foliage

- Light to dark green, kidney-shaped foliage to approximately 2cm across.
- Inconspicuous creamy-green flowers in spring.

Preferred growing conditions

- Prefers some shade and moist conditions.
- Plant between pavers to create a softening effect or as an alternative to lawn in a shady garden setting.
- May spread widely in moist conditions.



Leucochrysum albicans
Hoary Sunray

This dense, clumping herb is very effective when used in mass displays and is butterfly attracting.

Size and habit

- A dense, clumping perennial herb.

Flowers and foliage

- Papery yellow flowers from November to March.
- Soft, silvery-white leaves.

Preferred growing conditions

- Very well-drained soils.
- Full to semi sun.
- Grows well amongst rock and is suited to rockeries or containers.



Pelargonium australe
Austral Stork's-bill

This pretty, sprawling groundcover may die back in summer.

Size and habit

- A matting groundcover that spreads quickly, covering large areas.
- Easily divided and transplanted.

Flowers and foliage

- Clusters of pretty pink/white flowers on long stalks, with purple veins.
- Flowers from October to February.
- Aromatic, rounded leaves.

Preferred growing conditions

- Moist, well-drained soils.
- Semi to full sun.

Herbs and groundcovers



Platylobium obtusangulum
Common Flat-pea

Attractive upright, but low growing shrub suitable for gardens and bushland. Not a vigorous plant.

Size and habit

- Upright or scrambling low growing shrub.

Flowers and foliage

- Yellow and red pea flowers from September to December.
- Decorative triangular leaf.

Preferred growing conditions

- Dry, well-drained soils.
- Full to semi sun.



Stylidium armeria
Common Triggerplant

Showy wildflower with brightly coloured blooms. Each flower has a tiny trigger-like 'arm' that firmly hits insects on the back with pollen when they land on the flowers.

Size and habit

- Tufted plant to 25cm with flowering spikes up to 1m tall.

Flowers and foliage

- Attractive, delicate deep pink blooms in a slender spike.
- Grass-like leaves.

Preferred growing conditions

- Open, sunny position with adequate moisture.
- Will tolerate dryness once established.

Comments

- Grass Trigger-plant can sometimes be hard to establish.



Viola hederacea
Native Violet or Ivy-leaf Violet

Native Violet is an attractive plant for hanging baskets, rockeries and courtyards and makes a great alternative to introduced violets.

Size and habit

- A showy groundcover with creeping stems.

Flowers and foliage

- Masses of white flowers with purple centres mainly in spring.
- Attractive, green, kidney-shaped foliage.

Preferred growing conditions

- Moist, semi-shaded positions.
- Hanging baskets need to be kept moist.



Xerochrysum viscosum
Shiny Everlasting

This branched herb, with its papery daisy flowers, is excellent for garden or container planting and is also butterfly attracting.

Size and habit

- Erect, multi-stemmed herb.
- Grows up to 80cm tall.

Flowers and foliage

- Bright yellow, papery daisy flowers from August to April.

Preferred growing conditions

- Dry soils.
- Full to semi sun.
- Prune in late winter to encourage bushiness and extended life.

more Herbs and groundcovers

more Herbs and groundcovers

NAME	GROWING CONDITIONS	FEATURES	NAME	GROWING CONDITIONS	FEATURES
<i>Craspedia variabilis</i> Variable Billy-buttons	<ul style="list-style-type: none"> • Full to semi sun. • Moist, boggy soils. 	<ul style="list-style-type: none"> • Spectacular large, golden button flowers from September to November. • Suits containers, rockeries or mass plantings. • Butterfly attracting. 	<i>Leptorhynchos squamatus</i> Scaly Buttons	<ul style="list-style-type: none"> • Full to semi sun. • Requires well drained moist soil. 	<ul style="list-style-type: none"> • Grows in a variety of soil types and ecosystems. • Displays small bright yellow 'button' heads.
<i>Einadia hastata</i> Saloop Saltbush or Berry Saltbush	<ul style="list-style-type: none"> • Requires well-drained soils and tolerates dryness. • Light pruning promotes dense bushy growth. 	<ul style="list-style-type: none"> • Small saltbush with inconspicuous cream flowers from December to February. • Succulent red berries following flowering provide a food source for birds. • 0.1-0.2m tall and 0.2-0.5m wide. • Food for the caterpillars of the Chequered Blue Butterfly. 	<i>Mentha australis</i> River Mint	<ul style="list-style-type: none"> • Plant by ponds or pathways, where soil is wet to moist. 	<ul style="list-style-type: none"> • Imparts a delightful mint fragrance. • White flowers from September to March. • Attracts insect eating birds. • Good alternative to introduced mint species.
<i>Einadia nutans</i> Nodding Saltbush	<ul style="list-style-type: none"> • Full to semi sun. • Dry, well-drained soils. • Useful groundcover for dry gardens and rockeries. 	<ul style="list-style-type: none"> • Sprawling or scrambling plant with clusters of greenish flowers from December to May, followed by succulent red berries. • Grey foliage. • Food source for birds and caterpillars of the Chequered Blue Butterfly. 	<i>Microseris</i> sp.3 (formerly <i>Microseris lanceolata</i>) Yam Daisy	<ul style="list-style-type: none"> • Partial or semi shade. • Prefers well drained soils. 	<ul style="list-style-type: none"> • Upright herb with fleshy tuberous root. • Displays a single yellow 'dandelion' flower from July to November. • Distinguished from the weedy Garden Dandelion as the bud droops before opening. • Tuberous root was a staple part of the aboriginal diet.
<i>Geranium solanderi</i> var. <i>solanderi</i> Austral Cranesbill	<ul style="list-style-type: none"> • Forms a dense cover in damp areas. • Semi sun. • Requires well-drained soils, but tolerates moisture. 	<ul style="list-style-type: none"> • A creeping, perennial herb with deeply lobed leaves and small pale pink flowers from October to February. • This species is listed as vulnerable in Victoria. 	<i>Pultenaea pedunculata</i> Matted Bush-pea	<ul style="list-style-type: none"> • Full to semi sun. • Likes well-drained soils. 	<ul style="list-style-type: none"> • Yellow and red, 'egg and bacon' type pea flowers from October to November. • Useful for soil binding, cascading over rockeries or in containers. • Important to plant local form.
			<i>Vittadinia muelleri</i> Narrow-leaf New Holland Daisy	<ul style="list-style-type: none"> • Full to semi sun. 	<ul style="list-style-type: none"> • Small, perennial shrub found in the open. • Blue flowers for most of the year.
			<i>Wahlenbergia stricta</i> Tall Bluebell	<ul style="list-style-type: none"> • Full to semi sun. • Will tolerate some dryness. 	<ul style="list-style-type: none"> • Dainty, erect, clumping herb with masses of light blue bell flowers on slender stems from August to January. • Looks great in containers or when planted amongst grasses.

Lilies

Very attractive and easy to maintain, most indigenous lilies also have a variety of uses from bush tucker to basket making. Most lilies are both tough and long-lived making them suitable to grow in containers, rockeries or drier gardens.



Bulbine bulbosa
Bulbine Lily

Lilies



Arthropodium strictum
Chocolate Lily

An outstanding wildflower best planted in drifts combined with architectural plants, such as Kangaroo Grass or massed with the yellow flowering Bulbine Lily.

Size and habit

- A low rosette of grassy leaves, typically 30-40cm in diameter.
- Retreats to underground tubers after flowering until the following winter.
- Flowers are borne on branching stems up to 1m tall.

Flowers and foliage

- Delightful violet-purple, chocolate-vanilla scented flowers in spring and early summer.
- Soft green leaves 20-30cm long in a sparse tuft.

Preferred growing conditions

- Well-drained soils.
- Try growing in decorative pots.



Bulbine bulbosa
Bulbine Lily

The Bulbine Lily is an attractive, long-flowering wildflower for rockeries and cottage gardens that spreads by seed to form showy clumps. It works well planted in drifts, pots or containers.

Size and habit

- Small to medium, slender tussocks typically 25cm tall and 30cm wide, dying back to tubers in mid-summer and autumn.
- Flower stems are typically 50-60cm tall.

Flowers and foliage

- Fleshy, tubular green leaves, typically 3-4mm thick.
- Masses of showy, bright yellow, star-shaped flowers in spring and summer on erect, slender spikes.

Preferred growing conditions

- An adaptable plant that grows best in semi-shade or sunny spots with regular moisture and well-drained soils.
- Plants will retreat to underground tubers during dormant periods.



Dianella admixtra
(formerly *Dianella revoluta*)
Black-anther Flax-lily

The Black-anther Flax-lily is an attractive, long-lived plant that is easy to maintain and very impressive when planted as a group.

Size and habit

- Forms a spreading clump of grassy leaves, typically 1m wide and 30cm tall with extensive underground runners and stems to 60cm tall.

Flowers and foliage

- Shiny blue-green to green, strap-like leaves.
- Dainty, blue-mauve, star-shaped flowers with yellow and black centres in late spring or summer, followed by shining, dark blue to deep purple berries.

Preferred growing conditions

- Can be grown very successfully around the base of trees.
- Forms slow spreading tussocks and is superb in difficult dry spots.
- Grows more vigorously if moisture is available.

Comments

- Berries are a good food source for birds.



Dianella laevis
(formerly *Dianella longifolia*)
Smooth Flax-lily

This lily makes an attractive garden or container plant and is a great alternative to the environmental weed, Agapanthus. The berries are a good food source for birds.

Size and habit

- Forms a tufted clump with soft, light green strap-like leaves, thick roots and short underground runners.
- Grows to 80cm tall when flowering.

Flowers and foliage

- Pale blue flowers from August to January followed by purple berries.
- Flax-like leaves.

Preferred growing conditions

- Full to semi sun.
- Moist, well-drained soils.
- Ideal for growing under trees.

Comments:

- Easy to maintain.
- The leaves were favoured by the Aborigines for basket making.



Dianella tasmanica
Tasman Flax-lily

Tasman Flax-lilies are attractive, long-lived plants that are easy to maintain and look great when planted in a group.

Size and habit

- Long, vigorous runners with coarse, broad strappy leaves.
- Can form dense patches to several metres across and 1.5m deep, with stems over 1m tall.

Flowers and foliage

- Shiny blue-green to green, strap-like leaves.
- Dainty, blue-mauve, star-shaped flowers with yellow centres in late spring or summer, followed by shining, dark blue to deep purple berries.

Preferred growing conditions

- Can be grown very successfully around the base of trees.
- Prefers moist, shady sites in wet forests of high rainfall areas.
- Looks great in containers.

Grasses

Native grasses have adapted to a vast range of conditions and are excellent contrast plants in a native landscape. They provide food for a wide range of animals such as butterflies, birds and kangaroos. Grasses are also important for nutrient cycling, they stabilise the soil and prevent erosion.

Themeda triandra
Kangaroo Grass



Austrostipa rudis
Veined Spear-grass

A spectacular sight when planted in a group in a sunny setting, with a breeze rustling the tall flowering stems.

Size and habit

- An elegant grass, forming robust tufts or tussocks with stems 1-1.5m tall.

Flowers and foliage

- Narrow, flat to loosely in-rolled leaves to 40cm long.
- The flower heads bear many long, weeping, russet coloured, spear-like seeds, creating a plume-like effect.

Growing conditions

- Grows best in an open position.
- Requires hard pruning after flowering to maintain vigour.

Comments

- Food plant for seed eating birds.



Microlaena stipoides
Weeping Grass

Weeping Grass forms a splendid native lawn in moist, shady positions that can be mown regularly or left to produce delightful weeping flower heads. It provides food for caterpillars of a number of different native butterflies.

Size and habit

- Foliage grows typically 20cm tall from short underground runners.
- Stems are typically 50cm long and arching.
- Lovely weeping perennial grass.

Flowers and foliage

- Soft, emerald green leaves, flat and 2-4mm wide if unmown or very fine if regularly mown.
- Narrow arching or weeping flower heads.

Preferred growing conditions

- Grows best with some shade and reliable moisture.
- Will tolerate drier conditions and full sun.

Grasses

Grasses



Poa ensiformis
Purple Sheath Tussock-grass

This vigorous tussock grass is useful for controlling erosion and provides habitat for insects, lizards and birds.

Size and habit

- A vigorous tussock grass.
- Flowering stems grow to 1m tall.

Flowers and foliage

- Green flowers from October to March.
- Has a distinctive purple sheath around lower leaves.

Preferred growing conditions

- Grows best in moist soils.
- Semi shade to full shade.

Comments

- Requires hard pruning after flowering to maintain vigour.
- Responds well to pruning.
- Useful for controlling erosion.



Poa labillardieri
Common Tussock-grass

Ornamental tussock-forming grass for garden beds and rockeries that looks great planted amongst grasses of varying height and texture.

Size and habit

- A vigorous tussock-grass that forms large clumps up to 70cm tall and 75cm wide.

Flowers and foliage

- Fine, raspy, dull green or blue-green leaves 70cm long.
- Produces many flowering stems to 1m tall with open, conical flower heads.

Preferred growing conditions

- An adaptable grass that thrives with reliable moisture.
- Perfect for a sunny to partly shaded spot in the garden.

Note: for dry garden areas try the smaller growing Grey Tussock-grass (*Poa sieberiana*) or you may prefer the larger Purple Sheath Tussock-grass (*Poa ensiformis*) for moist sites.



Poa sieberiana
Grey Tussock-grass

This attractive, blue-green grass is very adaptable in cultivation and establishes well under existing and mature eucalypts. It is the food plant for the caterpillar of the Marbled Xenica butterfly.

Size and habit

- Forms a dense robust tussock.
- Flower stem grows to 80cm tall.

Flowers and foliage

- Forms a dense green to blue-green tuft with fine, inrolled leaves.
- Leaves are often curly towards tips and rough.
- Flowers are green and purplish or sometimes straw-coloured.
- Flower spikes open up to a pyramid shape with the delicate flowers growing at the tips.

Preferred growing conditions

- Tolerates shade and will grow in a variety of habitats.
- Tends to grow larger in shaded areas.



Rytidosperma fulvum
(formerly *Austrodanthonia linkii*)
Copper-awned Wallaby Grass

This dense tussock is a good alternative to ornamental grasses. It will stay green over summer without a lot of water and is a food plant for grazing animals on properties.

Size and habit

- Forms small to medium-sized, loose tufts.

Flowers and foliage

- Distinctive hairy seeds forming short, fluffy flower-heads on stems 2cm-1m tall.
- Displays broad, robust foliage, which forms sparse or dense tufts.
- Provides textural interest and colour.

Preferred growing conditions

- Most grow well in dry, sunny areas.

Comments

- Many *Rytidosperma* species are available and most will tolerate regular mowing and trampling.

Grasses

Grasses



Rytdosperma geniculatum
(formerly *Austrodanthonia geniculata*)
Kneed Wallaby-grass

A small tufted grey-green grass that is often bent near the base. It forms a very dense cluster of fluffy flowers which grow to 30 cm tall. This is a tough and drought tolerant plant once it is established.

Size and habit

- Forms a small (15cm x 20cm) tuft which grows close to the ground.
- Fluffy flowers grow on a very slender stem.

Flowers and foliage

- It has distinct, short, but dense, fluffy flower-heads on stems that are up to 30cm tall.
- Flowers from October to December.
- Leaves are very fine, hairy and inrolled.

Preferred growing conditions

- Tolerant and adaptable to most soil types and tolerates drought.
- A useful grass in lawns as it is slow growing and requires little mowing.



Rytdosperma pallidum
(formerly *Joycea pallida*)
Silvertop Wallaby-grass

A very attractive grass that can tolerate Cinnamon Fungus *Phytophthora cinnamomi* and poor soils low in nutrients. Red anthers are prominent when in flower and clumps weep, providing a soft edging for paths, embankments and retaining walls.

Size and habit

- Dense clumping perennial, sometimes spreading.
- Tussocks are large with flowering stems to 1.8m high.

Flowers and foliage

- Straw-coloured flower heads with red anthers from October to January.
- Fine rough bluish-green or green leaves with margins that are inrolled.

Preferred growing conditions

- Dry, well drained soils, but can tolerate periods of wetness.
- Frost tolerant. Full sun, partial to semi shade.



Rytdosperma racemosum
var *racemosum*
(formerly *Austrodanthonia racemosa*)
Slender Wallaby-grass

A useful component for native lawns that is a very hardy self-seeder. Capable of recolonising disturbed areas and useful in outcompeting weeds due to its adaptability to site conditions and drought tolerance.

Size and habit

- Variable, produces light green slender tufts or dense tussocks.
- Up to 20cm high with very fine seed stems up to 60cm high.

Flowers and foliage

- Displays fine, soft light green leaves, flat or inrolled.
- Slender, pale green seedheads that turn straw coloured when ripe.
- Usually flowers throughout most of the year, but peaks during summer.

Preferred growing conditions

- Adaptable species, able to thrive in dry and moist conditions and shade or full sun.
- Very drought tolerant and useful in revegetation.



Themeda triandra
Kangaroo Grass

Great feature tussock in the garden, with unique colour and flower heads arranged among leafy bracts.

Size and habit

- Tussock approximately 50cm tall and 50cm wide.
- Flowering stems to 1m tall, but commonly 50cm.
- An attractive, robust tussock-forming grass.

Flowers and foliage

- Lovely coppery, purple or rust-coloured flower heads on gently arching stems.
- Soft blade foliage 30-40cm long and 2-4mm wide, varying in colour from blue-green to reddish-brown.

Preferred growing conditions

- Performs best in well-drained soils, but will tolerate most soils.
- Adaptable to a range of growing conditions.



Poa Sieberiana
Grey Tussock-grass

more Grasses

NAME	GROWING CONDITIONS	FEATURES
<i>Eragrostis brownii</i> Common Love-grass	<ul style="list-style-type: none">• Full to semi sun.• Adaptable to most soils.	<ul style="list-style-type: none">• An elegant open grass.• Olive green-grey flower heads from September to April.• A decorative grass for rockeries or lawn grass in low use areas.
<i>Poa morrisii</i> Velvet Tussock-grass	<ul style="list-style-type: none">• Full to semi sun.• Moist soils.	<ul style="list-style-type: none">• An extremely variable and attractive grass.• Soft grey, weeping foliage in tussocks.• Green flower heads from October to January.• Food plant for caterpillars and seed eating birds.
<i>Rytidosperma penicillatum</i> (formerly <i>Austrodanthonia penicillata</i>) Weeping Wallaby-grass	<ul style="list-style-type: none">• Ideal for establishing in shaded areas.• Frost tolerant.• It persists and is useful in mown lawns and unimproved pasture.	<ul style="list-style-type: none">• Fine, sparsely hairy weeping perennial grass.• Tussocks are sparse and small, with flowering stems to 50cm tall.• Flowering stems are slender, narrow and arching.• Leaves are with very narrow flat or inrolled leaves.



Rushes and sedges

These plants have become increasingly popular in landscaping, adding beauty, form, colour and texture variations to the garden.

Lomandra longifolia
Spiny-headed Mat-rush

Rushes and sedges



Carex appressa
Tall Sedge

This sedge may be used as either an aquatic or bog garden plant and is useful for erosion control on stream banks. Tall Sedge is butterfly attracting.

Size and habit

- Forms dense tussocks.
- Robust, tough plant that is slow growing.

Flowers and foliage

- Brownish-dull yellow flower spikes on long, erect stems from August to January.
- Bright green, sharp-edged leaves.

Preferred growing conditions

- Full sun.
- Requires ample moisture and tolerates periods of inundation.



Carex fascicularis
Tassel Sedge

This common sedge is found along watercourses and near swamps and looks attractive by pools or ponds.

Size and habit

- Forms a dense, but graceful tussock.

Flowers and foliage

- Graceful, bright green drooping flower heads hang like 'tassels', from October to April.
- Leaves are bright green and broad.

Preferred growing conditions

- Requires damp soil and tolerates inundation.
- Full to semi sun.

Rushes and sedges



Lomandra longifolia
Spiny-headed Mat-rush

Spiny-headed Mat-rush is an important butterfly food plant and a lovely tussock for difficult spots, rockeries and embankments.

Size and habit

- Hardy, robust tussock up to 1m tall and 1m wide.

Flowers and foliage

- Many clusters of small, yellow flowers from spring to mid-summer, surrounded by 3-4 spiky brown floral 'leaves'.
- Green, shiny, strap-like foliage to 1cm wide and 1m long, that will mostly maintain its green colour during dry periods.

Preferred growing conditions

- Prefers well-drained soils.
- Will tolerate dry positions.



Lomandra filiformis
Wattle Mat-rush

more Rushes and sedges

NAME	GROWING CONDITIONS	FEATURES
<i>Carex iynx</i> Tussock Sedge	<ul style="list-style-type: none">• Semi sun.• Moist soil.	<ul style="list-style-type: none">• This coarse tufted herb forms large clumps.• Yellow-chestnut flower heads from September to November.• Looks attractive in containers or as a mass planting.
<i>Lomandra filiformis</i> Wattle Mat-rush	<ul style="list-style-type: none">• Full to semi sun.• Tolerates well-drained soils and dry shady situations once established.	<ul style="list-style-type: none">• Hardy, rush-like perennial herb.• Flat, bluish-green leaves with blunt tips.• Yellow-brown flower heads from September to December.• A great long-lived rockery plant.



Shrubs

Ideal screening or feature plants, native shrubs provide colour and texture to a landscape. They also provide habitat and food, particularly for a variety of birds and butterflies.



Pultenaea gunnii
Golden Bush-pea

Shrubs



Acacia acinacea
Gold Dust Wattle

A hardy wattle that is excellent for the rockery or shrub border and looks great planted in a group. Attracts birds and often self-seeds in the garden.

Size and habit

- A twiggy shrub that grows to 1.5m tall.
- Gently arching branches.
- Also grows as a small, sprawling plant to 0.5m tall and 1m wide.

Flowers and foliage

- Produces masses of showy, golden yellow flower balls from late winter to early summer.
- Small, stiff, light green leaves, 10mm long and 5mm wide, which cluster along the branches.

Preferred growing conditions

- Grows well in shallow local soils, preferring a dryish position with full sun or part shade.
- Will benefit from a hard prune.



Acacia genistifolia
Spreading Wattle

The spreading needle foliage adds an interesting, sharp texture to the garden. Planting in groups will ensure a striking flower display, and add to the protection for small birds.

Size and habit

- 1-2m tall and 1m wide.
- Fast growing, twiggy shrub.

Flowers and foliage

- Fragrant lemon or cream flower balls mainly in winter and early spring.
- Beautiful in seed.

Preferred growing conditions

- Very hardy.
- Tolerates wet or dry soil and frost.
- Full sun or part shade.

Shrubs

Shrubs



Acacia paradoxa
Hedge Wattle

This fast-growing, dense and prickly medium shrub is an ideal refuge for small birds and is useful for erosion control.

Size and habit

- Dense, spreading shrub.
- 2-4m tall and 2-5m wide.

Flowers and foliage

- Golden yellow ball flowers from August to November.
- Covered with small thorns.
- Small, dark green and wavy leaves.

Preferred growing conditions

- Dry to moist, well-drained soils.
- Full to semi sun.



Acacia pycnantha
Golden Wattle

A bright and colourful addition to the garden, the Golden Wattle is Australia's national floral emblem. This tall, fast growing shrub makes a good screen plant.

Size and habit

- 3-8m tall and 2-5m wide.
- A slender and sometimes bushy tree, depending on the site and growing conditions.

Flowers and foliage

- Gently weeping foliage.
- Curved eucalyptus-like 'leaves', 2-5cm wide and 10-15cm long.
- Flowers in late winter are a mass of bright, golden balls.

Preferred growing conditions

- A sunny, well-drained spot.
- Will tolerate shallow, dry soils.
- Drought and frost tolerant.



Acacia verticillata
Prickly Moses

With foliage that provides wonderful textural interest in the garden, the Prickly Moses is also a safe nesting refuge for small birds such as wrens.

Size and habit

- 2-4m tall and 1-3m wide.
- Open shrub. Pruning encourages a bushy habit.

Flowers and foliage

- Fine, prickly foliage.
- Cream-yellow flower spikes 1-2cm long occur along branches in winter and early spring.

Preferred growing conditions

- Deep soil with reliable moisture.
- Will tolerate a variety of conditions.
- Occurs naturally on shallow, dry, south-facing soils.



Bursaria spinosa
Sweet Bursaria

Stunning in flower, and an important food plant for caterpillars, Sweet Bursaria offers the gardener a variety of uses, including hedging.

Size and habit

- 2-6m tall, slender to rounded shrub.
- Shrub or small tree with spiny branches.

Flowers and foliage

- Prolific, sweetly scented creamy-white flowers cluster at the ends of branches in late summer and autumn, followed by attractive coppery seed capsules.
- Shiny, small, dark green leaves.
- Planted in groups, the shrub offers long-lived shelter for small birds.

Preferred growing conditions

- Sunny or partly shaded areas with well drained soil.
- Very adaptable.

Shrubs

Shrubs



Callistemon sieberi
River Bottlebrush

This attractive, open to dense weeping shrub is bird and butterfly attracting.

Size and habit

- 3-10m tall and 2-6m wide.
- Open to dense weeping shrub.

Flowers and foliage

- Cream to pink bottlebrush flowers from November to May.
- Stiff, narrow green leaves.

Preferred growing conditions

- Full to semi sun.
- Very adaptable but prefers moist to wet conditions.
- Pruning encourages prolific flowering.
- Usually grows among rocks along the edges of rivers.



Cassinia aculeata
Common Cassinia or Dogwood

Dogwood is a medium-sized shrub that acts as an effective screen plant. It often colonises in a disturbed area.

Size and habit

- 2-4m tall and 1-2m wide.
- Upright, open shrub.

Flowers and foliage

- Pink buds and creamy white flower clusters from November to March.
- Dark green, soft thin leaves.

Preferred growing conditions

- Needs pruning to maintain shape and prevent woodiness.
- Dry soils.
- Full to semi sun.



Cassinia arcuata
Drooping Cassinia

Drooping Cassinia is a medium-sized hardy shrub that often colonises in a disturbed area.

Size and habit

- 1-3m tall and 1-2m wide.
- Open, rounded shrub.

Flowers and foliage

- Attractive drooping branchlets of small pale brown flowers.
- Leaves have a spicy aroma.
- Short, drooping thin leaves.

Preferred growing conditions

- Needs pruning to maintain shape and prevent woodiness.
- Hardy and very adaptable to dry, shallow soils.
- Full to semi sun.



Cassinia longifolia
Shiny Cassinia or Long-leaf Dogwood

An erect, medium-sized shrub with aromatic leaves that is adaptable to most conditions.

Size and habit

- 2-4m tall and 2-3m wide.
- Medium to large open shrub.

Flowers and foliage

- Large creamy-white flower clusters from November to March.
- Sticky and aromatic leaves.
- Thin, long hairy leaves.

Preferred growing conditions

- Needs pruning to maintain shape and prevent woodiness.
- Prefers moist, well-drained soils but is adaptable to most conditions.
- Semi sun to full shade.

Shrubs

Shrubs



Correa species

From left: *Correa glabra* (Rock Correa) and *Correa reflexa* (Common Correa)

Daviesia leptophylla

Narrow-leaf Bitter-pea

Dillwynia phyllicoides

Small-leaf Parrot-pea

Cultivars of *Correa* sp. are rapidly replacing the indigenous ones through hybridisation and present a significant risk to the local form due to genetic pollution. Buying plants from an indigenous nursery is no safeguard either and caution needs to be exercised before considering *Correas* to ensure the plants you are purchasing are of indigenous origin and not grown from seed or cuttings taken from garden plants or escapees.

Size and habit

- 0.5-3m tall and 0.5-3m wide.
- Variable habit. Rounded bushy to open spreading shrub.

Flowers and foliage

- Flowers hang from the stems most of the year, peaking during autumn and winter.
- Local forms generally produce lime-green coloured flowers. Other forms of Common Correa may display red flowers with yellow tips.
- Soft, green, oval-shaped leaves.

- *Correa glabra* has glossy leaves.
- *Correa reflexa* has softly hairy leaves with wrinkled margins.

Preferred growing conditions

- Open, sunny or semi-shade position with well-drained soil.
- Consider using in pots for colour through the cooler months.

Comments

- Prune plants lightly after flowering to encourage bushy growth.

An open erect shrub with a beautiful display of yellow and red pea flowers in spring.

Size and habit

- 1-2m tall and 1-2m wide.
- Open, upright shrub.

Flowers and foliage

- Covered in yellow-red pea flowers from September to October.
- Stiff, narrow long leaves to 10cm.

Preferred growing conditions

- Full to semi sun.
- Benefits from annual pruning after flowering.

Small-leaf Parrot-pea is a very hardy ornamental small shrub. The plant displays abundant red and yellow pea flowers in spring.

Size and habit

- 0.5-1.5m tall and 1-2m wide.
- Spreading to erect, sparse open shrub.

Flowers and foliage

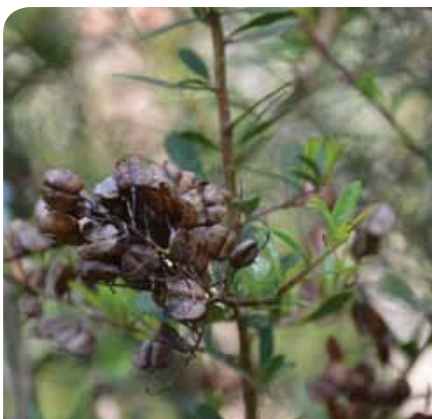
- Yellow-red clusters of pea flowers from September to December.
- Twisted narrow leaves.

Preferred growing conditions

- Semi sun.
- Responds well to pruning.
- Prefers well-drained soils.

Shrubs

Shrubs



Dodonaea viscosa subsp. *cuneata*
Wedge-leaf Hop-bush

This open to dense medium-sized shrub is a good screen plant. The inconspicuous flowers are followed by attractive red-brown papery seed capsules.

Size and habit

- 1-3m tall and 1-3m wide.
- Open to dense spreading shrub.

Flowers and foliage

- Inconspicuous flowers followed by showy red, blackish-brown capsules with papery wings.
- Dark green, wedge-shaped leaves.

Preferred growing conditions

- Hardy but requires well-drained soil.
- Full to semi sun.



Epacris impressa
Common Heath

Victoria's floral emblem and a very pretty, small shrub, displaying an abundance of dainty white or pink flowers. Attractive rockery plant and makes an excellent cut flower.

Size and habit

- A small, upright, wiry shrub to 1.5m tall, branching near the base.

Flowers and foliage

- Variable in flower colour.
- An abundance of dainty, bell-shaped white or pink blooms crowded along branches from autumn to early spring.
- Narrow, sharply pointed leaves.

Preferred growing conditions

- Partly shaded positions with well-drained soil.
- Will tolerate harsh, dry conditions once established.



Goodenia ovata
Hop Goodenia

An easily propagated, versatile plant that is great for brightening shady garden settings. It is also a very successful colonizer of forests after fire.

Size and habit

- 1-1.5m tall and 1-1.5m wide.
- A quick growing shrub.
- At its best when pruned generously to create a bushy screening shrub.

Flowers and foliage

- Bright green, oval-shaped leaves, 5cm wide and 5-10cm long with finely toothed margins.
- Small, vibrant yellow blooms appear through most of the year, with peak flowering during spring and summer.

Preferred growing conditions

- Moist, semi-shaded position.
- Will tolerate a range of conditions.
- Responds well to pruning.



Goodia lotifolia
Common Golden Tip

Add a bright note to the garden with this pretty shrub. Fast growing with fragrant, showy yellow flowers.

Size and habit

- 1-3m tall and 1-2m wide.
- A fast growing shrub that might sucker after heavy pruning.
- Prune after flowering to maintain bushy, vigorous plants.

Flowers and foliage

- Attractive blue-green, clover-like leaves composed of three leaflets 2cm long.
- In spring, masses of highly fragrant, bright yellow flowers create a profusion of colour.

Preferred growing conditions

- Well-drained soils but is very adaptable in cultivation.
- Intolerant of alkaline soil.

Note: Can be easily confused with the invasive environmental weed, Cape Broom (*Genista monspessulana*) and its relatives.

Shrubs

Shrubs



Gynatrix pulchella
Hemp Bush

Hemp Bush is an open, woody shrub with clusters of scented flowers in spring.

Size and habit

- 2-4m tall and 1.5-3m wide.
- Open, woody shrub.

Flowers and foliage

- Scented, greenish white flowers in clusters from August to October.
- Heart-shaped, dark green leaves that are pale green below.

Preferred growing conditions

- Well-drained moist to damp soils.
- Full shade to semi sun.
- Requires regular pruning to maintain vigor.

Comments

- Male and female flowers occur on different plants. Female flowers display shorter petals.



Hakea decurrens
Bushy Needlewood

Bushy Needlewood provides a prickly safe haven for birds and also offers interesting flowers and woody fruits, while providing a good, low screen.

Size and habit

- 2-4m tall and 1-2m wide.
- Shrub or small tree.

Flowers and foliage

- Fine, dark green, needle-like leaves.
- Masses of fragrant, small white flowers.
- Flowers from autumn to spring.

Preferred growing conditions

- Adaptable to most conditions.
- Responds well to hard pruning.



Indigofera australis
Austral Indigo

The Austral Indigo is a member of the Pea family and produces beautiful branches with mauve and pink pea flowers. Austral Indigo is butterfly attracting.

Size and habit

- 1-2m tall and 1m wide.
- Graceful, open shrub.

Flowers and foliage

- Abundant mauve blooms in long sprays from September to November.
- Flowers may also be pink or white.
- Blue-green, feathery (compound) leaves with leaflets typically 15mm long and 7mm wide.

Preferred growing conditions

- Superb specimen plant for a partly shaded, well-drained spot.
- Water regularly during dry periods.
- Will tolerate full sun.
- Prune after flowering. A heavy pruning will help maintain a bushy, healthy form and increase flowering.



Kunzea sp. (Upright form)
(formerly *Kunzea ericoides* spp. agg.)
Forest Burgan

This dense to weeping shrub may be suitable for screening and is butterfly attracting.

Size and habit

- 2-5m tall and 1-2m wide.
- Delicate, drooping branchlets giving the plant a weeping appearance.
- Typically single stemmed.

Flowers and foliage

- Pretty white flowers from November to February.
- Very similar to Yarra Burgan *Kunzea leptospermoides* which has smaller flowers.

Preferred growing conditions

- Full to semi sun.
- Moist sites in river valleys and sheltered slopes.

Shrubs

Shrubs



Leptospermum continentale
Prickly Tea-tree

This medium-sized, erect shrub is adaptable and hardy. Prickly Tea-tree is butterfly attracting.

Size and habit

- 1-4m tall and 1-2m wide.
- Variable, prickly shrub which occasionally forms tall thickets near streams.

Flowers and foliage

- White flowers from October to March.
- Prickly, narrow leaves.
- Capsules remain on plant and retain seeds until plant or branch dies.

Preferred growing conditions

- Adaptable and hardy, tolerates damp conditions.



Leptospermum lanigerum
Woolly Tea-tree

Woolly Tea-tree is an attractive dense shrub to small tree that acts as a useful screen plant and is also butterfly attracting.

Size and habit

- 2-5m tall and 1-3m wide.
- Dense shrub.

Flowers and foliage

- Masses of white flowers from September to January.
- Attractive grey foliage.

Preferred growing conditions

- Moist soil.
- Full to semi sun.
- Responds well to pruning.
- Grows well in swampy depressions or alongside streams.



Lomatia myricoides
River Lomatia

This attractive, slow-growing shrub provides a beautiful display of perfumed flowers in summer.

Size and habit

- 2-5m tall and 1-3m wide.
- Open rounded shrub.

Flowers and foliage

- Perfumed cream or white coloured flowers from December to February.
- Long, leathery, dark green leaves.

Preferred growing conditions

- Moist, well-drained soil.
- Semi sun to full shade.



Melaleuca ericifolia
Swamp Paperbark

This medium to large shrub is a good screen plant and is butterfly and bird attracting. Suitable for wet areas, but may become invasive.

Size and habit

- 2-9m tall and 3m wide.
- Erect, open to bushy shrub.

Flowers and foliage

- Masses of cream flowers in spikes, similar to bottlebrushes, from October to November.
- Attractive grey-green foliage.

Preferred growing conditions

- Adaptable but prefers moist or wet fertile soils.
- Full to semi sun.
- Responds well to pruning.

Shrubs

Shrubs



Olearia lirata
Snowy Daisy-bush

Snowy Daisy-bush is a spectacular screening or specimen shrub with attractive daisy flowers. Well suited for a shady spot in the garden.

Size and habit

- 2-3m tall and 1m wide.
- Soft, open shrub.

Flowers and foliage

- Soft grey-green foliage with downy white undersides.
- Profuse, superb clusters of white, daisy-like flowers in spring.

Preferred growing conditions

- A shade lover that thrives in sheltered spots with moist, well-drained soil.
- Can look shabby in drier conditions but will tolerate dryness once established.
- Prune after flowering to encourage bushiness.



Ozothamnus ferrugineus
Tree Everlasting

This medium-sized shrub has broad clusters of white flowers, which can be dried for ornamental use.

Size and habit

- 2-6m tall and 1-3m wide.
- Open rounded shrub or small tree.

Flowers and foliage

- White flowers from November to February.
- Narrow, long dark green leaves.

Preferred growing conditions

- Moist, well-drained soils.
- Full to semi sun.
- Prune in late winter to encourage bushiness.



Ozothamnus obcordatus
Grey Everlasting

This medium-sized showy shrub is useful in a dry, difficult spot. A pretty plant which bears numerous yellow flowers.

Size and habit

- 1-2m tall and 1m wide.
- Compact shrub with upright branches.

Flowers and foliage

- Long lasting clusters of yellow daisy flowers from October to January.
- Shiny dark green leaves are small and rounded or wedge shaped.

Preferred growing conditions

- Dry, well-drained soils.
- Full to semi sun.



Pomaderris aspera
Hazel Pomaderris

Bring colour to your garden and attract butterflies with this lovely screening plant.

Size and habit

- 3-8m tall and 2-4m wide.
- Broad, fast-growing tree.
- Will grow taller in rich, moist conditions.

Flowers and foliage

- Large, soft, almost velvety green leaves with distinctive veins and pale green-cream undersides.
- Produces attractive, large clusters or sprays of dainty yellow-green flowers in late spring and summer.

Preferred growing conditions

- Ideal for difficult moist, shaded spots.
- Can adapt to somewhat drier, open positions.

Shrubs

Shrubs



Pomaderris prunifolia
Plum-leaf Pomaderris

A woody shrub with an open rounded form, the Plum-leaf Pomaderris is a useful addition to any screen planting.

Size and habit

- 1.5-4m tall.
- Open rounded shrub.

Flowers and foliage

- Small clusters of creamy flowers.
- Rough, hairy, dark green foliage to 5cm long.

Preferred growing conditions

- Good drainage.
- Part shade or full sun.
- More tolerant to drying out than other *Pomaderris* species.



Prostanthera lasianthos
Victorian Christmas Bush

This medium to tall, fast-growing shrub is a useful screen plant, but needs protection from drying winds.

Size and habit

- 2-8m tall and 2-5m wide.
- Compact or upright tall shrub.

Flowers and foliage

- White flowers spotted with purple, from November to January.
- Beautifully fragrant leaves produce a mint aroma when crushed.

Preferred growing conditions

- Grows best in shaded, protected conditions.
- Prefers moist soils in valleys.



Pultenaea daphnoides
Large-leaf Bush-pea

This attractive tall shrub provides a beautiful display of flowers in spring.

Size and habit

- 1-3m tall and 0.5-2m wide.
- Soft shrub.

Flowers and foliage

- Yellow and red large pea flowers from August to November.
- Flat, wedge-shaped leaves.

Preferred growing conditions

- Tolerates dryness but appreciates extra moisture in full sun.
- Well-drained soils.



Pultenaea gunnii
Golden Bush-pea

A small, erect shrub that is often overlooked in the garden until it flowers, offering a stunning show of yellow and red pea flowers. This shrub is best grown in clusters of two or three.

Size and habit

- 1m tall and 0.75-1m wide with open habit.
- Prune lightly after flowering to maintain compact plants.

Flowers and foliage

- Dainty, oval, green leaves to 6mm long clustered along stems and branches.
- Masses of vivid yellow flowers with attractive red centres.
- Spring flowering.

Preferred growing conditions

- Partly shaded position with well-drained soil. Tolerates dry sites.
- Grows well under established trees.

Shrubs



Solanum laciniatum
Large Kangaroo Apple

This fast growing and very hardy shrub is a good screen plant, although it is relatively short-lived (approximately 2-5 years).

Size and habit

- 1-3m tall and 1-3m wide.
- Broad shrub with dense foliage.

Flowers and foliage

- Blue/purple flowers from September to March.
- Orange-yellow, egg-shaped berries provide a food source for birds and possums.
- Large, dark green leaves.

Preferred growing conditions

- Moist to dry, well-drained soil.
- Full to semi sun.



Spyridium parvifolium
Dusty Miller

Dusty Miller is an attractive screening or specimen plant for sheltered positions. White flowers and new growth brighten the garden in winter.

Size and habit

- 1-2m tall.
- Rounded shrub, moderately open but can be made denser by pruning.

Flowers and foliage

- Small, oval leaves create whitish clusters of new growth at branch tips. Leaves mature to dark green with dusty grey-white undersides and deep veins.
- Flowers in winter and spring.
- Tight, flat clusters of tiny honey-scented, cream coloured flowers at the ends of branches, surrounded by hairy white floral leaves.

Preferred growing conditions

- Semi shade.
- Tolerates dry conditions once established.

more Shrubs

NAME	GROWING CONDITIONS	FEATURES
<i>Acacia lanigera</i> Woolly Wattle or Hairy Wattle	<ul style="list-style-type: none"> • Full to semi sun. • Well-drained soils. • Frost tolerant. 	<ul style="list-style-type: none"> • Showy, adaptable species with sharp, slightly curved leaves. • 0.3-2m tall and 1-3m wide. • Bright yellow balls of flower from May to October. • Useful windbreak. • Bird attracting.
<i>Acacia stricta</i> Hop Wattle	<ul style="list-style-type: none"> • Full to semi sun. • Prefers moist soil but is drought tolerant. 	<ul style="list-style-type: none"> • Fast-growing slender shrub (2-5m tall and 2-4m wide) with pale green foliage. • Pale yellow balls of flower from May to October. • Good windbreak. • Bird attracting.
<i>Acacia verniciflua</i> Varnish Wattle	<ul style="list-style-type: none"> • Full to semi sun. • Adaptable, tolerates wet and dry periods. 	<ul style="list-style-type: none"> • Slightly weeping open shrub with shiny curved leaves. • 3-5m tall and 3-5m wide. • Fast-growing and a good screen plant. • Pale yellow balls of flower from July to January. • Bird attracting.
<i>Daviesia latifolia</i> Hop Bitter-pea	<ul style="list-style-type: none"> • Full to semi sun. • Adaptable to most soils. 	<ul style="list-style-type: none"> • Medium sized broad-leaved shrub with showy yellow and red-brown pea-shaped flowers from September to December. • 1-3m tall and 1-2m wide. • Useful screen plant. • Looks effective when mass planted.
<i>Dillwynia cinerascens</i> Grey Parrot-pea	<ul style="list-style-type: none"> • Suited to a shady, dry position. • Benefits from annual pruning after flowering. 	<ul style="list-style-type: none"> • Attractive small shrub with a display of showy yellow/orange pea flowers from July to November. • Greyish leaves. • 0.6-1.5m tall and 0.5-1.5m wide.

more Shrubs

more Shrubs

NAME	GROWING CONDITIONS	FEATURES	NAME	GROWING CONDITIONS	FEATURES
<i>Hakea ulicina</i> Furze Hakea	<ul style="list-style-type: none"> • Full to semi sun. • Prefers well-drained, dry to moist soils. 	<ul style="list-style-type: none"> • Similar to other Hakea species, with sharp pointed leaves and clusters of creamy white flowers from July to November. • 1-3m tall and 1-2m wide. • Bird attracting. 	<i>Myrsine howittiana</i> Muttonwood	<ul style="list-style-type: none"> • Semi sun to full shade. • Prefers moist, well-drained, deep loamy soils and shaded positions. 	<ul style="list-style-type: none"> • A large shrub with a smooth whitish trunk and shiny leaves. • Pale green flowers from August to February then violet, bead-like fruits. • A good alternative to <i>Pittosporum undulatum</i>. • 3-10m tall and 2-4m wide.
<i>Kunzea leptospermoides</i> (formerly <i>Kunzea ericoides</i> spp. agg.) Yarra Burgan	<ul style="list-style-type: none"> • Very adaptable and widespread. • Moist well-drained soil. • Plant in isolated patches away from buildings. 	<ul style="list-style-type: none"> • 2-5m tall and 2-4m wide. • Dense to open multi-stemmed shrub. • Shrub to 5m tall, with small narrow leaves and masses of white flowers from November to February. • Can form thickets through root suckering, particularly if it has been ploughed, slashed, burnt or cut near ground level. 	<i>Olearia argophylla</i> Musk Daisy-bush	<ul style="list-style-type: none"> • Partial to full shade. • Well-drained moist, rich soil. • Found in moist gullies & damp valley forests. 	<ul style="list-style-type: none"> • Shrub with large, dark green leaves. • White flowers with yellow centres from October to December. • 0.3-0.5m tall and 0.5m wide. • Very attractive tree for a moist, shady area.
<i>Leptospermum obovatum</i> River Tea-tree	<ul style="list-style-type: none"> • Semi sun. • Prefers moist soils and is frequently found by streams. 	<ul style="list-style-type: none"> • Medium to large dense shrub with creamy white flowers from November to January. • 2-4m tall and 1.5-2m wide. • Effective screen plant. • Capsules remain on plant and retain their seed until the plant (or branch) dies. 	<i>Olearia myrsinoides</i> Silky Daisy-bush	<ul style="list-style-type: none"> • Full to semi sun. • Requires well-drained soil. • Pruning promotes bushiness. 	<ul style="list-style-type: none"> • Small spreading shrub with shiny, dark green leaves. • Profuse clusters of white daisy flowers with yellow centres from October to February. • 0.3-1.5m tall and 1m wide.
<i>Melicytus dentatus</i> (formerly <i>Hymenanthera dentata</i>) Tree Violet	<ul style="list-style-type: none"> • Full to semi sun. • Requires well drained soils and responds to extra watering. 	<ul style="list-style-type: none"> • Covered in tiny scented, cream coloured bell-shaped flowers from September to November. • Variable plant, ranging from lush, small trees in gullies and on riverbanks to stunted shrubs on more exposed sites. • Produces violet coloured berries. • Provides excellent habitat for birds and possums. • 2-4m tall and 1-2.5m wide. 	<i>Olearia ramulosa</i> Twiggy Daisy-bush	<ul style="list-style-type: none"> • Full to semi sun. • Responds well to pruning. 	<ul style="list-style-type: none"> • Fast growing, large dense shrub with grey-green leaves. • Masses of white or mauve, long-stalked daisy flowers with yellow centres from September to May. • Attractive garden plant which grows well in an understorey situation.
			<i>Pomaderris racemosa</i> Cluster Pomaderris	<ul style="list-style-type: none"> • Prefers well-drained soil. 	<ul style="list-style-type: none"> • Slender shrub ideal for planting where space is limited. • Similar to <i>Pomaderris aspera</i> but with smaller leaves. • Pale yellow flowers from October to November. • 2-5m tall and 1-2m wide.

Trees

Trees provide excellent shade and shelter, and contribute to the maintenance of biodiversity through the provision of wildlife movement corridors and habitat.

Eucalyptus polyanthemus
Red Box

Trees



Acacia dealbata
Silver Wattle

This fast growing, tall tree is relatively short-lived (approximately 15 years) but is widespread throughout Nillumbik, particularly near streams. This important habitat tree is a host to the Imperial Blue Butterfly when less than 3m high, and is an important food source for possums, sugar gliders and birds.

Size and habit

- 6-30m tall and 5-10m wide.
- Fast growing open, tall tree.

Flowers and foliage

- Lemon coloured flowers from July to October.
- Grey/green feathery foliage.

Preferred growing conditions

- Moist to dry well-drained soils.
- Full or semi sun.

Note: Can be confused with the environmental weed Early Black Wattle.



Acacia implexa
Lightwood

A fast-growing, long-lived wattle, useful as a screen or shade tree and looks great planted in groups. The dark fissured bark and sickle-shaped phyllodes (flattened leaf stalks that replace true leaves) add great textures to the garden.

Size and habit

- Upright, slender tree that grows to 6m.

Flowers and foliage

- Light green, sickle-shaped foliage with attractive sprays of yellow flowers up to 4cm long in summer.
- The latest flowering wattle.

Preferred growing conditions

- Thrives in dry sunny spots with shallow soil.
- Will also tolerate moist, well-drained position.
- Frost tolerant.

Trees

Trees



Acacia mearnsii
Black Wattle

A fast growing, spreading tree that attracts birds and butterflies.

Size and habit

- 6-15m tall.
- Fast growing and spreading.
- Short lived.

Flowers and foliage

- Scented pale yellow balls from September to December.
- Dark green, feathery foliage and a dark smooth trunk.

Preferred growing conditions

- Prefers a well-drained soil.

Note: This often short-lived tree is prone to borer and can become a valuable food source for marsupials feeding on the jelly like sap or gum, and for birds to forage on the larvae. A good food plant for the Sugar Glider and Imperial Blue Butterfly larvae. Can be confused with the environmental weed Early Black Wattle.



Acacia melanoxylon
Blackwood

Blackwood is a quick growing screening or specimen tree that is mildly drought tolerant. Hardy and adaptable.

Size and habit

- 7-15m tall.
- Narrow and upright in shady situations and a broad shade tree in the open when sufficient soil moisture is available.

Flowers and foliage

- Matte green foliage.
- Often produces a dense crown, almost down to the ground.
- Round, pale yellow or creamy coloured flowers during late winter and spring.

Preferred growing conditions

- Some shade, ideally with deep, moist soils.
- Will tolerate moderately heavy, wet conditions through to drier sites.



Allocasuarina littoralis
Black Sheoke

Black Sheoke is an excellent screening, windbreak or specimen tree that is an ideal alternative to planting pine trees and is a food source for birds.

Size and habit

- 4-12m tall and 2-5m wide.
- Fine weeping branches.
- Trunk bark becomes fissured with age.

Flowers and foliage

- Flowers from March to June.
- Male flower spikes are dark brown. The reddish and globular female flower matures into small woody seed cones.

Preferred growing conditions

- Full or semi-sun.



Eucalyptus blakelyi
Blakely's Red Gum

This large tree is relatively slow-growing and is suited to large suburban gardens. An effective screen/shade plant that is butterfly and bird attracting.

Size and habit

- 15-24m tall and 10-15m wide.
- Short trunk and dense crown.

Flowers and foliage

- White flowers from August to January.
- Grey bark that sheds in large sheets or flakes, leaving a smooth patchy surface.

Preferred growing conditions

- Full or semi sun.
- Very localised and restricted species in Nillumbik (Yarrambat and Diamond Creek).

Trees

Trees



Eucalyptus goniacalyx
Bundy

This medium to large sized tree is a good food source for birds and caterpillars.

Size and habit

- 8-20m tall and 6-15m wide.
- Crooked with a broad, open crown.

Flowers and foliage

- White cream flowers from March to August.
- Long, dark green tapering leaves.
- Grey box type bark.

Preferred growing conditions

- Full or semi sun
- Dry, well-drained soils.
- Rocky, skeletal soils on exposed north-west slopes or on undulating hills with some exposed rocks.



Eucalyptus leucoxylon
subsp. *connata*
Melbourne Yellow Gum

This large tree occurs in the Plenty area and is a food source for caterpillars and birds. It is endemic to Victoria and is listed as vulnerable due to its restricted range.

Size and habit

- 10-20m tall and 6-20m wide.
- Open, spreading crown

Flowers and foliage

- Cream to white flowers from May to September.
- Smooth pale bark. Bark is rough at the base.

Preferred growing conditions

- Dry, well-drained soils.
- Full or semi sun.
- Tolerates drought once established.

Note: The form commonly available in nurseries and known as *Eucalyptus leucoxylon* 'Rosea' is not the local form.



Eucalyptus macrorhyncha
Red Stringybark

An attractive, upright tree for lawn and garden areas with fibrous bark that is grey on the outside and red-brown on the inside. The tree is valued as a source of honey and as a food source for butterflies and birds.

Size and habit

- 10-22m tall.
- A rounded, high, reasonably dense canopy.

Flowers and foliage

- Glossy, dark green leaves contrast with the deeply fissured, red-brown bark.
- Honey-scented, creamy-white flowers during summer and autumn.

Preferred growing conditions

- Well-drained rocky soils and open to exposed, sunny areas.
- Can adapt to a range of conditions.
- Roots are sensitive to soil compaction.



Eucalyptus melliodora
Yellow Box

A handsome shade and feature tree for large gardens with box type lower bark becoming smooth on the upper trunk and branches.

Size and habit

- 10-22m tall (or 30m on valley floors).
- Distinguished trunk and broad spreading, graceful crown.

Flowers and foliage

- Open canopy with small, grey-green leaves.
- The fragrant flowers provide an excellent source of honey between spring and late summer.

Preferred growing conditions

- Deeper, well-drained soils.
- Full sun.
- Prefers sheltered sites near rivers or in open, poorly drained flat country.

Trees

Trees



Eucalyptus ovata
Swamp Gum

This medium to large tree attracts butterflies and birds. The bark sheds in ribbons, often revealing a shiny and colourful trunk.

Size and habit

- 8-30m tall and 8-20m wide.
- Upright tree with an open to dense canopy.

Flowers and foliage

- White cream flowers from March to June.
- Glossy, broad to roundish leaves with wavy edges.

Preferred growing conditions

- Full or semi sun.
- Prefers moist soils and tolerates waterlogging.
- Restricted to watercourses and swampy sites.



Eucalyptus polyanthemos
Red Box

An impressive specimen or feature tree with fine bark and attractive round, blue-grey foliage, Red Box offers masses of nectar-rich flowers. This tree is butterfly and bird attracting.

Size and habit

- 10-22m tall.
- Medium sized, sometimes with a crooked trunk.

Flowers and foliage

- Masses of creamy-white blooms appear during spring and summer, attracting insects and nectar-seeking birds.
- Distinctive round leaves, with a blue-grey appearance, offer a strong contrast to the bark.

Preferred growing conditions

- Dry, shallow soils.
- Occurs naturally on hilltops and ridgelines.
- Prefers exposed north-west facing slopes.



Eucalyptus radiata
Narrow-leaved Peppermint

The Narrow-leaved Peppermint is an attractive shade or shelter tree that is common throughout Melbourne. Ideally suited to suburban gardens, this tree is also butterfly and bird attracting.

Size and habit

- 10-22m tall.
- Very fine box-type bark.

Flowers and foliage

- Narrow, green, weeping foliage forming a reasonably dense canopy.
- Leaves release a strong peppermint-eucalyptus scent when crushed.
- Masses of tiny white blooms in spring and summer.

Preferred growing conditions

- Well-drained soils with reliable moisture.
- Can adapt to a range of conditions.



Eucalyptus rubida
Candlebark

Candlebark is a graceful, ornamental tree with an attractive spreading canopy. It features smooth white bark on the upper trunk and branches and is a food source for koalas, caterpillars and birds. Candlebark is well suited to large gardens and is ideal as a shade tree.

Size and habit

- 10-25m tall.
- Attractive, smooth 'gum' bark in summer becoming accented by reddish tones of new bark, especially after rain.

Flowers and foliage

- Young round and stalkless juvenile leaves mature into classic 'gum tree leaves'.

Preferred growing conditions

- Dry, well-drained soils with some moisture.
- Tolerates very cold conditions.
- Grows in lower slopes and valleys.

Trees

more Trees



Eucalyptus tricarpa
Red Ironbark

This medium to large tree is a good food source for birds and butterflies. The rough black bark and bluish leaves make this a very ornamental tree.

Size and habit

- 10-30m tall and 10-20m wide.
- Attractive deeply fissured, rough, black bark and an open crown of bluish foliage.

Flowers and foliage

- Cream pink flowers from May to December.
- Narrow, grey-green leaves.

Preferred growing conditions

- Grows on dry hilltops and ridges.
- Full or semi sun.
- Associated with Box-Ironbark Woodland.
- Prefers well drained soils.
- Tolerates extended dry periods.



Eucalyptus viminalis
Manna Gum

A fast growing, tall tree often found by rivers and creeks, this tree also occurs naturally in Kangaroo Ground away from waterways. Manna Gum is an important habitat tree for koalas.

Size and habit

- 10-50m tall and 8-15m wide.
- Bark sheds in long ribbons.
- Tall, upright tree with an open canopy.

Flowers and foliage

- White flowers from January to May.
- Leaves are narrow and long, sometimes sickle shaped.

Preferred growing conditions

- Very adaptable and can grow on dry sites, but prefers and grows well in deep, moist and well-drained soils.
- Prefers full sun.
- Suited to large gardens.

NAME	GROWING CONDITIONS	FEATURES
<i>Allocasuarina verticillata</i> Drooping Sheoke	<ul style="list-style-type: none"> • Full sun. • Prefers well-drained soils. • Associated with Box-Ironbark Woodland and exposed sites. 	<ul style="list-style-type: none"> • Fast growing small to medium tree, with drooping needle-like foliage and attractive dense bronze-golden flowers from March to December. • Excellent screen plant and wind break. • 4-11m tall and 3-6m wide. • Bird attracting.
<i>Eucalyptus camaldulensis</i> River Red Gum	<ul style="list-style-type: none"> • Full sun. • Prefers deep moist soil. • Common along waterways and floodplains. • Restricted to certain areas in Nillumbik (Yarrambat, Doreen and Plenty). 	<ul style="list-style-type: none"> • Large, spreading, fast-growing tree. • 12-30m tall and 15-35m wide. • White flowers from November to March. • Smooth greyish-red bark flakes in late summer but is rough and persistent at base. • Older established trees provide excellent habitat.
<i>Eucalyptus cephalocarpa</i> Silver Leaf Stringybark	<ul style="list-style-type: none"> • Full to semi sun. • Prefers moist soils and tolerates inundation. • Normally confined to the Kinglake area. 	<ul style="list-style-type: none"> • Medium-sized tree with dense canopy of grey-green leaves and grey-brown bark. • 8-20m tall and 5-15m wide. • Most attractive feature is the young, silver ovate leaves. • Effective windbreak. • Butterfly/bird attracting. • Creamy white flowers from March to August.

more Trees

NAME	GROWING CONDITIONS	FEATURES
<i>Eucalyptus dives</i> Broad-leaved Peppermint	<ul style="list-style-type: none"> • Full to semi sun. • Prefers dry conditions. • Normally confined to the Kinglake area. 	<ul style="list-style-type: none"> • Small low branching and spreading tree with aromatic leaves. • Masses of white flowers from September to December. • Effective screen/shade plant. • 8-25m tall and 6-15m wide.
<i>Eucalyptus obliqua</i> Messmate	<ul style="list-style-type: none"> • Full to semi sun. • Mostly found in the northern, higher rainfall areas of the Shire. 	<ul style="list-style-type: none"> • Dark, glossy, oblique, broad leaves and typical stringy bark. • Creamy white flowers from December to March. • 4-7m tall and 8-35m wide. • Effective shelter/shade tree. • Butterfly and bird attracting.
<i>Eucalyptus pauciflora</i> Snow Gum	<ul style="list-style-type: none"> • Full to semi sun. • Tolerates exposure to extreme cold. • Locally restricted to parts of Arthurs Creek near Yan Yean Reservoir and Christmas Hills near Sugarloaf Reservoir. 	<ul style="list-style-type: none"> • Small to medium low branching tree. • 7-25m tall and 5-15m wide. • Has white to cream trunk and shiny leaves. • White to cream flowers from October to January.
<i>Eucalyptus yarraensis</i> Yarra Gum	<ul style="list-style-type: none"> • Full to semi sun. • Will tolerate heavy soil and limited inundation. • Normally confined to the Yarra Valley region and Yarrambat. 	<ul style="list-style-type: none"> • Has a short trunk and dense, spreading crown with rough, black bark. • White flowers in January. • Butterfly and bird attracting. • Endemic to Victoria and listed as rare due to its restricted range.



Eucalyptus macrorhyncha
Red Stringybark

Pest Plants

A weed or pest plant is a plant that thrives and invades in an environment where they do not naturally occur.

Pest plants include those that invade and/or degrade natural bushland, agricultural land, waterways and roadsides.

Weeds can be dispersed by wind, water, animals and machinery, or as dumped garden waste, so it is important to control existing weeds and be careful about what you plant on your property.

Controlling weeds on your property will prevent the spread of weeds into neighbouring properties and bushland.



Pest plants

The major types of weeds that affect indigenous vegetation are:

- **Environmental weeds:** plants which can threaten the values of natural ecosystems. They often invade native bushland and natural areas.
- **Declared noxious weeds:** are scheduled under the *Catchment and Land Protection Act 1994* and are legally required to be controlled or eradicated.
- **Weeds of National Significance:** are nationally agreed priority plant species for control and management. They pose a serious threat to agriculture, the environment or community health and cannot be sold or traded. They have been identified as already causing significant environmental damage under the *Australian Weeds Strategy 2007*. There are currently 32 Weeds of National Significance, 15 are very serious weeds in Nillumbik.



Blackberries smother indigenous flora along the Diamond Creek.

Think before you buy

Some pest plants are sold in nurseries and at markets, so beware when buying new plants for your garden. It is a wise decision to research which plants are weeds in your local area before making any new purchases. If the plant is likely to escape into your local bushland, don't buy it.

Look to purchase your plants from an indigenous nursery or a Sustainable Gardening Australia (SGA) certified garden centre. These nurseries have gone through an extensive certification process to ensure their practices and products are sustainable, and will not sell invasive plants.

Weed control – Council assistance

Nillumbik Shire Council offers incentive programs for weed control of selected species and regularly coordinates training courses and other activities to help residents with pest plant identification and control. Council has also published a *Common weeds in Nillumbik – weed identification guide* to assist you with identifying weeds in your area.

For more information or to obtain a copy of the guide, please contact Council's Environmental Planning Team on 9433 3316.

Right from top: Arum Lily, English Ivy, Blue periwinkle. Many weeds are garden escapees.

Pest plant list

Pest plant list

The following is a list of some environmental weeds found throughout the Shire of Nillumbik.

+ denotes Weed of National Significance

* denotes Noxious Weed

native to Victoria, but grows outside of its natural range. A permit may be required from council for the removal of this species.

Common name	Botanical name
African Boxthorn	<i>Lycium ferocissimum</i> * +
Agapanthus	<i>Agapanthus praecox</i> ssp. <i>orientalis</i>
Agave, Century plant	<i>Agave americana</i>
Amaranth	<i>Amaranthus</i> spp.
Angled Onion	<i>Allium triquetrum</i> *
Annual Veldt Grass	<i>Ehrharta longiflora</i>
Artichoke Thistle	<i>Cynara cardunculus</i> *
Ash	<i>Fraxinus</i> spp.
Asparagus	<i>Asparagus officinalis</i> +
Asparagus Fern	<i>Asparagus scandens</i> +
Aster-weed	<i>Aster subulatus</i>
Banana Passionfruit	<i>Passiflora tarminiana</i>
Bathurst Burr	<i>Xanthium spinosum</i> *
Belladonna Lily	<i>Amaryllis belladonna</i>
Blackberry	<i>Rubus fruticosus</i> . agg* +
Black Nightshade	<i>Solanum nigrum</i>
Blackthorn	<i>Prunus spinosa</i>
Blue Passion flower	<i>Passiflora caerulea</i>
Blue Periwinkle	<i>Vinca major</i>
Bluebell Creeper	<i>Billardiera heterophylla</i>
Boneseed/Bitou Bush	<i>Chrysanthemoides monilifera</i> * +
Box-elder Maple/Sycamore	<i>Acer negundo</i>

Common name	Botanical name
Bridal Creeper/Smilax	<i>Asparagus asparagoides</i> * +
Broom - Cape/Montpellier	<i>Genista monspessulana</i> * +
Broom - English	<i>Cytisus scoparius</i> * +
Broom - Flax-leaf	<i>Genista linifolia</i> * +
Buffalo Grass	<i>Stenotaphrum secundatum</i>
Cape Ivy	<i>Delairea odorata</i>
Cape Tulip	<i>Moraea</i> spp.*
Cape Wattle	<i>Paraserianthes lophantha</i>
Cape Weed	<i>Arctotheca calendula</i>
Cedar Wattle	<i>Acacia elata</i>
Cherry Plum	<i>Prunus cerasifera</i>
Chilean Needle-Grass	<i>Nassella neesiana</i> * +
Cleavers	<i>Galium aparine</i>
Common Bindweed	<i>Convolvulus arvensis</i> *
Common Dipogon	<i>Dipogon lignosus</i>
Common/English Elm	<i>Ulmus procera</i>
Cootamundra Wattle	<i>Acacia baileyana</i>
Cotoneasters	<i>Cotoneaster</i> spp.
Couch	<i>Cynodon dactylon</i> var. <i>dactylon</i>
Cut-leaf Cranes bill	<i>Geranium dissectum</i>
Creeping Buttercup	<i>Ranunculus repens</i>
Day Lily	<i>Heimerocallis fulva</i>
Dense Waterweed	<i>Egeria densa</i>
Dock-Clustered	<i>Rumex conglomeratus</i>
Dock-Curled	<i>Rumex crispus</i>
Drain Flat-sedge	<i>Cyperus eragrostis</i>
Drooping Prickly-pear	<i>Opuntia monaeantha</i> * +
Early Black Wattle	<i>Acacia decurrens</i>

Pest plant list

Pest plant list

Common name	Botanical name
English Couch	<i>Elytrigia repens</i>
English Holly	<i>Ilex aquifolium</i>
English Ivy	<i>Hedera helix</i>
Fat Hen	<i>Chenopodium album</i>
Fennel	<i>Foeniculum vulgare</i> *
Fleabane	<i>Conyza</i> spp.
Freesia	<i>Freesia</i> spp.
Fumitory	<i>Fumaria</i> spp.
Garden Dandelion	<i>Taraxacum officinale</i> spp. agg
Gazania	<i>Gazania</i> spp.
Giant Honey-myrtle	<i>Melaleuca armillaris</i> subsp. <i>armillaris</i> #
Gladiolus	<i>Gladiolus</i> spp.
Golden Wreath Wattle	<i>Acacia saligna</i>
Gorse/Furze	<i>Ulex europaeus</i> * +
Hastate Orache	<i>Atriplex prostrata</i>
Hawthorn	<i>Crataegus monogyna</i> *
Hemlock	<i>Conium maculatum</i> *
Iris	<i>Iris</i> spp.
Irish Strawberry Tree	<i>Arbutus unedo</i>
Italian Buckthorn	<i>Rhamnus alaternus</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Kikuyu	<i>Cenchrus clandestinus</i>
Large Quaking Grass	<i>Briza maxima</i>
Lesser Quaking Grass	<i>Briza minor</i>
Lesser Reedmace	<i>Typha latifolia</i>
Lombardy Poplar	<i>Populus nigra</i> 'Italica'
Madeira Vine	<i>Anredera cordifolia</i> +
Madeira Winter Cherry	<i>Solanum psuedocapsicum</i>

Common name	Botanical name
Mirror-bush	<i>Coprosma repens</i>
Montbretia	<i>Crocsmia X crocosmiiflora</i>
Monterey (Radiata) Pine	<i>Pinus radiata</i>
Monterey Cypress	<i>Cupressus macrocarpa</i>
Morning Glory	<i>Ipomoea indica</i>
Moth Mullein	<i>Verbascum blattaria</i>
Myrtle-leaf Milkwort	<i>Polygala myrtifolia</i>
Nasturtium	<i>Tropaeolum majus</i>
Opium Poppy	<i>Papaver somniferum</i>
Ovens Wattle	<i>Acacia pravissima</i> #
Pampas Grass	<i>Cortaderia selloana</i>
Panic Veldt Grass	<i>Ehrharta erecta</i>
Paterson's Curse	<i>Echium plantagineum</i> *
Prickly Pears	<i>Opuntia</i> spp.* +
Privet	<i>Ligustrum</i> spp.
Prunus	<i>Prunus</i> spp.
Ragwort	<i>Jacobaea vulgaris</i> *
Rat-tail Grass	<i>Sporobolus africanus</i>
Red-hot Poker	<i>Kniphofia uvaria</i>
Sallow Wattle	<i>Acacia longifolia</i> var. <i>longifolia</i> #
Scarlet Pimpernel	<i>Lysimachia arvensis</i>
Serrated Tussock	<i>Nassella trichotoma</i> * +
Shepards Purse	<i>Capsella bursa-pastoris</i>
Soursob	<i>Oxalis pes-caprae</i> *
Spanish Heath	<i>Erica lusitanica</i>
Spear Thistle	<i>Cirsium vulgare</i> *
Spiny Rush	<i>Juncus acutus</i> subsp. <i>acutus</i> *
Spurge	<i>Euphorbia</i> spp.

Pest plant list

Pest plant list

Common name	Botanical name
St John's Wort	<i>Hypericum perforatum</i> subsp. <i>veronense</i> *
Sticky Wattle	<i>Acacia howittii</i> #
Sweet Briar	<i>Rosa rubiginosa</i> *
Sweet Pittosporum	<i>Pittosporum undulatum</i> #
Sweet Vernal-grass	<i>Anthoxanthum odoratum</i>
Tbowomba Canary-grass	<i>Phalaris aquatica</i>
Tree Heath	<i>Erica arborea</i>
Tree Lucerne	<i>Chamaecytisus palmensis</i>
Tutsan	<i>Hypericum androsaemum</i> *
Twiggy Mullein	<i>Verbascum virgatum</i>
Variable Ixia	<i>Ixia polystachya</i>
Variegated Thistle	<i>Silybum marianum</i> *
Wall Fumitory	<i>Fumaria muralis</i>
Wandering Creeper	<i>Tradescantia fluminensis</i>
Water Plantain	<i>Alisma lanceolata</i>
White Arum Lily	<i>Zantedeschia aethiopica</i>
White Poplar	<i>Populus alba</i>
White Sallow Wattle	<i>Acacia floribunda</i> #
Wild Teasel	<i>Dipsacus fullonum</i> subsp. <i>fullonum</i> *
Wild Tobacco Tree	<i>Solanum mauritianum</i>
Wild Watsonia / Bulbil watsonia	<i>Watsonia meriana</i> var. <i>bulbillifera</i> *
Willow Hakea	<i>Hakea salicifolia</i>
Willows	<i>Salix</i> spp.* +
Winter Honeysuckle	<i>Lonicera fragrantissima</i>
Wirilda	<i>Acacia retinodes</i> var. <i>retinodes</i> #
Yorkshire Fog	<i>Holcus lanatus</i>



Opuntia stricta
Prickly Pear

Index of indigenous plants by common name

Common name	Page no.
Austral Cranesbill	36
Austral Indigo	65
Austral Stork's-bill	33
Bidgee-widgee	29
Black Sheoke	79
Black Wattle	78
Black-anther Flax-lily	40
Blackwood	78
Blakely's Red Gum	79
Blue Pincushion	31
Broad-leaved Peppermint	86
Bulbine Lily	39
Bundy	80
Burgan (Forest)	65
Burgan (Yarra)	74
Bushy Needlewood	64
Button Everlasting	32
Candlebark	83
Chocolate Lily	39
Cluster Pomaderris	75
Clustered Everlasting	31
Common Apple-berry	23
Common Cassinia or Dogwood	58
Common Correa	60
Common Everlasting	31
Common Flat-pea	34
Common Golden Tip	63
Common Heath	62
Common Hovea	25
Common Love-grass	49
Common Triggerplant	35
Common Tussock-grass	44
Copper-awned Wallaby Grass	45
Cut-leaf Daisy	30
Drooping Cassinia	59
Drooping Sheoke	85

Common name	Page no.
Dusty Miller	72
Furze Hakea	74
Gold Dust Wattle	55
Golden Bush-pea	71
Golden Wattle	56
Grey Everlasting	69
Grey Parrot-pea	73
Grey Tussock Grass	45
Hazel Pomaderris	69
Hedge Wattle	56
Hemp Bush	64
Hoary Sunray	33
Hop Bitter-pea	73
Hop Goodenia	63
Hop Wattle	73
Kangaroo Grass	47
Kidney Weed	33
Kneaded Wallaby-grass	46
Large-leaf Bush-pea	71
Large Kangaroo Apple	72
Lightwood	77
Love Creeper	27
Manna Gum	84
Matted Bush-pea	37
Melbourne Yellow Gum	80
Messmate	86
Musk Daisy-bush	75
Muttonwood	75
Narrow-leaf Bitter-pea	61
Narrow-leaf New Holland Daisy	37
Narrow-leaved Peppermint	83
Native Violet or Ivy-leaf Violet	35
Nodding Saltbush	36
Old Mans Beard or Mountain Clematis	23
Plum-leaf Pomaderris	70
Prickly Moses	57

Common name	Page no.
Prickly Tea-tree	66
Purple Coral Pea	24
Purple Sheath Tussock-grass	44
Red Box	82
Red Ironbark	84
Red Stringybark	81
River Bottlebrush	58
River Lomatia	67
River Mint	37
River Red Gum	85
River Tea-tree	74
Rock Correa	60
Running Postman	25
Saloop Saltbush or Berry Saltbush	36
Scaly Buttons	37
Shiny Cassinia or Long-leaf Dogwood	59
Shiny Everlasting	35
Silky Daisy-bush	75
Silver Leaf Stringybark	85
Silver Wattle	77
Silvertop Wallaby-grass	46
Slender Clematis	24
Slender Wallaby-grass	47
Small-leaf Parrot-pea	61
Smooth Flax-lily	40
Snow Gum	86
Snowy Daisy-bush	68
Spiny-headed Mat-rush	52
Spreading Wattle	55
Swamp Gum	82
Swamp Paperbark	67
Sweet Bursaria	57
Tall Bluebell	37
Tall Daisy	29
Tall Sedge	51
Tasman Flax-lily	41

Common name	Page no.
Tassel Sedge	51
Tree Everlasting	68
Tree Violet	74
Tussock Sedge	53
Twiggy Daisy-bush	75
Twining Fringe-lily	27
Twining Glycine	27
Variable Billybuttons	36
Varnish Wattle	73
Veined Spear-grass	43
Velvet Tussock-grass	49
Victorian Christmas Bush	70
Wattle Mat-rush	53
Wedge-leaf Hop-bush	62
Weeping Grass	43
Weeping Wallaby-grass	49
Wonga Vine	26
Woolly Tea-tree	66
Woolly Wattle or Hairy Wattle	73
Yam Daisy	37
Yarra Gum	86
Yellow Box	81



Further reading

Flora of Melbourne

A Guide to the Indigenous Plants of the Greater Melbourne Area

Society for Growing Australian Plants, Maroondah, Inc, Hyland House, 3rd ed., 2001.

Native Plants of Melbourne and Adjoining Areas

David and Barbara Jones, Blooming Books, 1999.

Native Trees and Shrubs of South Eastern Australia

Leon Costermans, Landsdowne Publishing, 1994.

Bush Invaders of South-East Australia

Adam Muyl, R.G and FJ Richardson, 2001.

Environmental Weeds – A Field guide for SE Australia

Kate Blood, Blooming Books, republished 2003.

Weeds of the South East - An Identification guide for Australia.

FJ. Richardson, R.G. Richardson, R.C.H. Shepherd, 2011.

Nillumbik Shire Council publications

Common weeds of Nillumbik – weed identification guide.

Nillumbik's Biodiversity Strategy

Nillumbik's Native Fauna: A pocket guide to local wildlife.

Available in hard copy from community information stands and the Civic Centre.

Please contact Council on 9433 3316 for a copy of these publications.



Microseris sp.3
Yam Daisy



Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777

Website www.nillumbik.vic.gov.au

Email nillumbik@nillumbik.vic.gov.au

Printed in Nillumbik, using vegetable inks on 100%

Australian-made recycled paper.

August 2014

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

Participate Nillumbik

Local Law survey

Aug 02, 2022 - Sep 06, 2022

Project: Local Laws

Tool Type: Form

Activity ID: 391

Exported: Sep 07, 2022, 02:09 PM

Exported By: [REDACTED]

Response No:
1

Contribution ID: 21201

Member ID:

Date Submitted: Sep 06, 2022, 11:49 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

Hello Nillumbik Shire Council,
 Here are my comments about the Bend of Islands and the Local Laws.
 I moved to the Bend of Islands 5 years ago, and this was motivated to move here by the strong protection of the natural environment in the SU22 Planning Scheme.
 While there are a number of restrictions compared to other suburbs, this was a welcome change that I aligned with willingly. Where else is the natural environment protected to this degree?
 After a few years living here, I became involved with BICA (Bend of Islands Conservation Association) and am committed to doing what I can to preserve this special area.
 So, I would like to support the inclusion of The Clause 67 - Restriction on Animals within the Bend of Islands in Nillumbik, General Local Law 1.
 And this includes the prohibition of keeping of domestic pets or livestock by residents and or/visitors.
 Of course, anyone who legitimately has an existing pet, should be allowed to keep the pet until it dies.
 Thank you,

Q3 Any additional comments on the draft Local Law?

Long Text

PS; Additionally, the coverage in Clause 67 needs to be made consistent with the current SU22 Planning Scheme area, which is not the same as the Bend of Islands area.

PPS; There appears to be some confusion on this "Motorised Toy Vehicle" point, but regardless, I do support Clause (47) - to rule out the granting of any permit for a motorised toy vehicle in the SU22 area.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

50-54

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12

Multi Choice

How did you hear about this consultation?

Word of mouth

Response No:
2

Contribution ID: 21199

Member ID:

Date Submitted: Sep 06, 2022, 10:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
Part 4. Consumption of Liquor in Public Places
Part 5. Specific Activities
Part 6. Animals
Part 7 Land Use and Amenity
Part 8 Waste Disposal
Part 9 Protection and Management of Council Assets and Infrastructure
Part 10. Bend of Islands
Part 11. Requirements of Building sites
Part 12. Administration of the Local Law
Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

Refer PAL's submission

Q3 Any additional comments on the draft Local Law?

Long Text

Refer PAL's submission

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

55-59

Q11 Are you? (Tick all that apply)

Multi Choice

A person with disability, inclusive of mental illness
A person of Aboriginal or Torres Strait Islander decent

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
3

Contribution ID: 21198

Member ID:

Date Submitted: Sep 06, 2022, 10:09 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 7 Land Use and Amenity

Q2 Please provide your comments
Long Text
41. What defines unreasonable, so many of these supposed illegal local laws are subjective in measurement and open to interpretation
47. What right does council have to prevent this or even enforce this? Does a ride on mower or small tractor get defined as a recreational vehicle?
52. What is different from a shipping container to a caravan or trailer? It can be relocated so how is it any different? If I have 10 or 20 acres why shouldn't I be allowed to have a shipping container?
53. What about 10/30 this makes no mention of that rule?

Q3 Any additional comments on the draft Local Law?
Long Text
So many of these laws seem to be written to create extra revenue raising opportunities for council.

Q4 First Name
Short Text

Q5 Last Name
Short Text

Q6 Email
Email

Q7 Gender
Multi Choice Male

Q8 Township
Select Box Panton Hill

Q9 Relationship to Nillumbik
Multi Choice Live

Q10 Age Group
Select Box 50-54

Q11 Are you? (Tick all that apply)
Multi Choice None of the above

Q12 How did you hear about this consultation?
Multi Choice Email

Response No:
4

Contribution ID: 21197

Member ID:

Date Submitted: Sep 06, 2022, 10:04 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
 Part 7 Land Use and Amenity
 Part 8 Waste Disposal
 Part 9 Protection and Management of Council Assets and Infrastructure
 Part 11. Requirements of Building sites
 Part 13. Enforcing the local law
 Part 12. Administration of the Local Law
 Part 5. Specific Activities

Q2 Please provide your comments

Long Text

1. Your livestock law states that over 4000M2 - only 24 chickens are allowed and 1 rooster. if I have enough land, Victorian laws allow 100 birds without a permit. stop with these laws. it is like a power trip with this council. chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.planning.vic.gov.au/_data/assets/pdf_file/0030/97329/PPN63-Applying-for-a-planning-permit-to-farm-broiler-chickens.pdf

2. please explain how you avoid bees to not be a nuisance? do i tell them in english or arabic to not fly ? someone walks the road and can complain that bees are a nuisance

3. unsightly or dangerous land ? what do you deem as unsightly land? for example, capeweed grows because there is a deficiency in the land and its trying to fix it. if one chooses not to spray it but manage it so that the land becomes fertile and an overzealot officer (which we have many in nillumbik) decides to fine them - is that right or wrong? again another law where you want us to own land and pay exorbitant amount of rates but you want to control everything. stop wasting monies on these non-sensical laws please.

41. again - chimney not emitting smoke. really ?????????? OMG please .

47. my land my rules - what do you class as a recreational vehicle. why can I not use a recreational vehicle on my land?

51. why is a moveable camper not allowed to be placed on land ? many oldies or travellers I ke to come and stay in this shire and park their caravan on someone's site.

52. you guys take 2 years ; fleece the hell off people to give permit for anything like a barn and by banning shipping containers - you are basically saying - we dictate how you live. you just bend to our will. again stop it please. these rules are just plain right dictatorship

Q3 Any additional comments on the draft Local Law?

Long Text

scrap all the obnoxious changes.
 stop becoming dictatorial on the people who elected you to run the council.
 you are wasting monies on surveys that anyone in australia and probably the world can fill and then use that data to waste more money to make laws that are not right.....

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Kangaroo

	Q9	Relationship to Nillumbik
Multi Choice		Live
	Q10	Age Group
Select Box		40-44
	Q11	Are you? (Tick all that apply)
Multi Choice		None of the above Prefer not to say
	Q12	How did you hear about this consultation?
Multi Choice		Other: A concerned person told me.

Response No:
5

Contribution ID: 21196

Member ID: 1874

Date Submitted: Sep 06, 2022, 09:42 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

The draft local law seems to me to be silent with respect to the rights and responsibilities regarding the management and maintenance of the "nature strip" - that piece of public land between a road and private property.

The definition of "Council land" does not specifically state that the nature strip is Council land - it should make ownership clear, in simple language.

Q3 Any additional comments on the draft Local Law?

Long Text

The Local Law should not be ambiguous with respect to parking a vehicle on the nature strip. If Council does not permit it, the Local Law should clearly state it, in simple language, and clarify the consequences for doing so.

The Local Law would be a better document if it included Council's responsibilities - for example the draft specifies what occupiers/owners of private land are required to do with respect to the maintenance of private land but is silent on what Council is required to do with respect to the maintenance of land owned/occupied by Council.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

75-79

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Other: Participate Nillumbik

Response No:
6

Contribution ID: 21194

Member ID:

Date Submitted: Sep 06, 2022, 09:04 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 5. Specific Activities
 Part 3. Council Land, Buildings and Reserves
 Part 6. Animals
 Part 7 Land Use and Amenity
 Part 8 Waste Disposal

Q2 Please provide your comments

Long Text

28. Fireworks

I support continuing restrictions on prohibiting fireworks from being used on land outside the UGB.

In addition, I ask that fireworks be prohibited from being used within the entire shire, including within the UGB.

Fireworks are an old form of 'entertainment'. They cause:

- Distress to people with PTSD
- Trauma and, often, loss of life to dogs, horses and wildlife
- Environmental contamination.

Safer and less harmful forms of entertainment exist, including laser light and drone shows.

I urge Nillumbik to ask Rotary, which organises fireworks at the Eltham Festival and Diamond Creek Fair, to move to more appropriate displays.

34. Feeding of wild birds

I strongly support this.

Feeding birds causes so many health and behavioural issues for wildlife, and can alter the species balance. We are seeing increasing cases of the highly contagious beak and feather disease in parrots.

To cater for possible resident concerns, Nillumbik may wish to develop educational material that explains that the provision of clean water in suitable locations, and the planting of indigenous gardens, is a better way of attracting birds to properties, without risking their lives.

52. Shipping containers

I support this law. People in rural areas seem to be adding additional 'dwellings' to properties via shipping containers, to increase their personal income, without consideration of laws and neighbour amenity.

58. Hard waste collections

I would like a return of the annual hard waste collection, rather than individual booked collections. An annual collection will increase the re-use of items that, otherwise, are crushed in the truck.

Some councils treat their annual hard waste collection as an event and actively encourage people to 'go shopping' and reduce landfill.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8	Township
Select Box	
Q9	Relationship to Nillumbik
Multi Choice	Live
Q10	Age Group
Select Box	55-59
Q11	Are you? (Tick all that apply)
Multi Choice	Prefer not to say
Q12	How did you hear about this consultation?
Multi Choice	Facebook

Response No:
7

Contribution ID: 21193

Member ID:

Date Submitted: Sep 06, 2022, 08:09 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 7 Land Use and Amenity
Part 8 Waste Disposal**Q2** Please provide your comments

Long Text

These are the only sections I have looked at I am quite alarmed at how many layers of bureaucracy and permits are required to have the simplest of items.

This sounds like regulations for an apartment building not a council in that calls itself the green wedge.

Q3 Any additional comments on the draft Local Law?

Long Text

Just found out about these law reviews today.

My fault.

As a rate paying member of the Nillumbik community I should have done more to follow up local council affairs and administration.

How do we go about getting permits for any of the 42500 things that now require a permit?

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
8

Contribution ID: 21192

Member ID:

Date Submitted: Sep 06, 2022, 07:49 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 13. Enforcing the local law
 Part 12. Administration of the Local Law
 Part 11. Requirements of Building sites
 Part 10. Bend of Islands
 Part 9 Protection and Management of Council Assets and Infrastructure
 Part 7 Land Use and Amenity
 Part 6. Animals
 Part 5. Specific Activities
 Part 3. Council Land, Buildings and Reserves
 Part 4. Consumption of Liquor in Public Places
 Part 8 Waste Disposal

Q2 Please provide your comments

Long Text

Please refer to the NILLUMBIK PALS submission as I share all of the views within that submission. I don't agree with a majority of these proposed laws and think council is overstepping their role.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Christmas Hills

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

35-39

Q11 Are you? (Tick all that apply)

Multi Choice

A person identifying as LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+)

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
9

Contribution ID: 21191

Member ID:

Date Submitted: Sep 06, 2022, 07:17 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
- Multi Choice
- Part 3. Council Land, Buildings and Reserves
Part 4. Consumption of Liquor in Public Places
Part 5. Specific Activities
Part 6. Animals
Part 7 Land Use and Amenity
Part 8 Waste Disposal
Part 9 Protection and Management of Council Assets and Infrastructure
Part 10. Bend of Islands
Part 11. Requirements of Building sites
Part 12. Administration of the Local Law
Part 13. Enforcing the local law
- Q2** Please provide your comments
- Long Text
- I fully support the PALs submission. I have read it in full and agree with all comments raised. In particular I do not support any local laws where things are already covered in the state government planning regulations. Double ups are redundant.
- Q3** Any additional comments on the draft Local Law?
- Long Text
- Residential alarms are intended to make noise and I'd it is activated while I am not home, and my house is being burgled, how can I return it off?
- Q4** First Name
- Short Text
- Q5** Last Name
- Short Text
- Q6** Email
- Email
- Q7** Gender
- Multi Choice
- Q8** Township
- Select Box
- Arthurs Creek
- Q9** Relationship to Nillumbik
- Multi Choice
- Live
- Q10** Age Group
- Select Box
- 45-49
- Q11** Are you? (Tick all that apply)
- Multi Choice
- None of the above
- Q12** How did you hear about this consultation?
- Multi Choice
- Facebook

Response No:
10

Contribution ID: 21190

Member ID:

Date Submitted: Sep 06, 2022, 06:59 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 4. Consumption of Liquor in Public Places
 Part 5. Specific Activities
 Part 6. Animals
 Part 7 Land Use and Amenity
 Part 8 Waste Disposal
 Part 9 Protection and Management of Council Assets and Infrastructure
 Part 10. Bend of Islands
 Part 11. Requirements of Building sites
 Part 12. Administration of the Local Law
 Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

I support PAL'S submission on the local laws draft and expect my views to be heard

Q3 Any additional comments on the draft Local Law?

Long Text

I support PAL'S submission on the local laws draft

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Panton Hill

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11 Are you? (Tick all that apply)

Multi Choice

Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
11

Contribution ID: 21189

Member ID:

Date Submitted: Sep 06, 2022, 06:43 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for my entire life. As a resident of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

15-19

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
12

Contribution ID: 21188

Member ID:

Date Submitted: Sep 06, 2022, 06:37 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Q2 Please provide your comments

Long Text

Q3 Any additional comments on the draft Local Law?

Long Text

We support the PALs submissions. We are rural land owners not urban dwellers. We believe it's ridiculous that you need a permit for a shipping container on rural land. Rediculous to propose permit for recreational vehicles to be used on rural land. Let's not make all of Nillumbik the Bend of Islands.

How about concentrating on cleaning up our road sides, keeping up maintenance on our roads and look in to better ways of recycling.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Panton Hill

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11 Are you? (Tick all that apply)

Multi Choice

Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
13

Contribution ID: 21186

Member ID:

Date Submitted: Sep 06, 2022, 05:31 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice
- Q2** Please provide your comments
Long Text
- Q3** Any additional comments on the draft Local Law?
Long Text We support the PALS submission.
- Q4** First Name
Short Text
- Q5** Last Name
Short Text
- Q6** Email
Email
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box Cottles Bridge
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 65-69
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
14

Contribution ID: 21185

Member ID:

Date Submitted: Sep 06, 2022, 05:24 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Q2 Please provide your comments

Long Text

Q3 Any additional comments on the draft Local Law?

Long Text

I support the PALs submission.
This is in addition to my previous written submission which I note has not been acknowledged in any way in this poorly worded and ill-conceived draft of local laws.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Yarrambat

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

50-54

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
15

Contribution ID: 21183

Member ID:

Date Submitted: Sep 06, 2022, 03:41 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 5. Specific Activities
 Part 6. Animals
 Part 3. Council Land, Buildings and Reserves
 Part 8 Waste Disposal
 Part 13. Enforcing the local law
 Part 12. Administration of the Local Law

Q2 Please provide your comments

Long Text

Do not allow private fireworks! The poor animals and wildlife and pets, people with aversions to loud noises and the cost. So antiquated and frankly embarrassing to be re introducing!

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Eltham

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

30-34

Q11 Are you? (Tick all that apply)

Multi Choice

A person with disability, inclusive of mental illness
 A person identifying as LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+)

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
16

Contribution ID: 21182

Member ID:

Date Submitted: Sep 06, 2022, 01:11 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 6. Animals
 Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

Section 18 B) climbing trees should be permitted, particularly for children. This was one of the few forms of exercise my children had when playgrounds were closed during lock down.
 Section 30 2) a carry litter device should only be required to be produced if one is needed, not at all times. You may use a device whilst out and not require another one and should not be penalized for this.
 Section 34 1) needs clearer definition of what would constitute a nuisance in this example.
 Section 37 2) point is not clearly explained
 Section 38 2) need to be within reason/measurable.
 Section 41 1) I do not agree with this point at all, many residents rely on wood fire for heating and opinions of what is reasonable vary widely in the community. This point, if needed at all, should reference EPA requirements only.
 Section 44 1) should articulate open fires are permitted for warmth and preparing food still
 Section 47 I do not agree with this point at all
 Section 51 Should be greater than 30 days
 Section 52 I do not agree with this point at all
 Section 53 Should stipulate substantial native trees only, not all trees. Should be able to still trim overhanging limbs of any tree in your own property for safety purposes.

Q3 Any additional comments on the draft Local Law?

Long Text

I have limited confidence that the consultation process has accurately captured feedback from the broader community given the impact these changes will have to many residents.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12

How did you hear about this consultation?

Multi Choice

Response No:
17

Contribution ID: 21181

Member ID:

Date Submitted: Sep 06, 2022, 12:02 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

Part 7: Section 39: Vegetation Visibility guidelines.
There needs to be a line of sight for interpretation which is not defined currently, leaving ambiguity in place.
How far should visibility be reasonably expected on a footpath or shared path?
Interpretation of visible guidelines must have clarity to remove possible conflict of said interpretations on site.
Removing immediate visual obstacles is understandable but should not be left open to aspirational interpretation at any stage for parties involved.
Is it 3 meters, two meters or 10 meters? How much vegetation should be placed along trails with winding corners, which varieties of plants along trails to avoid immediate visual barriers? Planting trees, shrubs exceeding 350mm in roundabouts?

Part 10: Bend of Isles.
There is a dilemma interpreting the wishes of a minority over a majority and this rule is that, an over reach impacting many with existing community rights & expectation.
There is no real issue to date with land owners keeping pets at home and the comfort and companionship of our friends in the family home is a basic right that should not be stamped out by over zealous aspirations of a collective minority no matter how they may feel on this, a draconian attempt to rule others.
We have rules in place to keep our furry friends at home, rules that are in step with community expectation without over reach.
Let's not open Pandora's box on rights to rule here, let's remove this rule to avoid such an unfortunate precedent being set.

Part 7: section 41, Chimneys
The idea to reduce hazardous emissions is good. The term unreasonable again leaves interpretation, a vague position for officers and community.
There are strong guidelines on firewood for moisture to be less than 25%, split and dried for a minimum 9 months preferably 18 months.
Guidelines for community could be more helpful than brandishing a vague reasonable interpretation, fines for those unaware of the seasoned guidelines available.
The burning of green wood, waste is an issue for the unsuspecting, perhaps a guideline on notices issued with advice prior to any possible fines being issued?

Q3 Any additional comments on the draft Local Law?

Long Text

Advertising for wood burners to cut and gather wood a year in front where possible or to purchase and store firewood dry, make available a community service for measuring the moisture content via a free rental unit at local community hubs such as Edendale Farm?

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Eltham

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 **Age Group**

Select Box 55-59

Q11 Are you? (Tick all that apply)

Multi Choice Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice Facebook

Response No:
18

Contribution ID: 21179

Member ID:

Date Submitted: Sep 06, 2022, 11:13 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
 Part 12. Administration of the Local Law
 Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

It is disappointing that this Council are wasting more time on the Administrative process of draconian Local Laws and not listening to the Voice of Land Owners in the Nillumbik Shire. On many occasions over the last six years, Land Owners have voiced their opinion on the dictatorship of this Council and them trying to 'lock up' our land and still more money and time is being wasted on 'so called' consultation. Listen to what you have been told. Listen to the recommendations made previously, listen to the expert advice you have previously received. Quit wasting everyone's time and put our Rates to good use, Roads and Rubbish.

Q3 Any additional comments on the draft Local Law?

Long Text

According to Council the proposed Local Law is to:

- manage, control, regulate or prohibit certain activities occurring within the Nillumbik Shire - "very draconian words and suggestions for people who 'own' their land"
- improve the health and safety of residents and visitors to the Nillumbik Shire - "The forefront and core business of the Nillumbik Council should be the protection of human lives. This is clearly not addressed as you drive around Nillumbik and look at the fire fuel which is of a major threat to human lives."
- replace the revoked local laws with a single streamlined law which regulates activities that may result in potential adverse amenity impacts - "The new draft is not by any means streamlined and is instead dictating and controlling."
- introduce several new provisions to address new issues and identified deficiencies in the current local laws - "is the prevention of allowing land owners using 'recreational vehicles' on their own land to help manage and maintain their land an identified deficiency? Is land owners storing feed and equipment in shipping containers on their own land an 'identified deficiency'? Ridiculous and controlling once again"

In support of the comments made by PALs, the guiding principles for the preparation of Local Laws must consider the following to a proposed Local Law. Section 72 of the Local Government Act 2020 states that:

- (a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or Regulations;
- (b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- (d) a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- (e) a local law must be consistent with the objectives of this Act or any other authorising Act

"It is incumbent upon Councillors to seek advice and be aware of the legality and/or suitability of any proposed regulatory imposition on rural landowners before progress to a formal proposal." - It is very frustrating that we find ourselves in this position again and again and again.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Research

	Q9	Relationship to Nillumbik
Multi Choice		Live
	Q10	Age Group
Select Box		45-49
	Q11	Are you? (Tick all that apply)
Multi Choice		None of the above
	Q12	How did you hear about this consultation?
Multi Choice		Facebook

Response No:
19

Contribution ID: 21178

Member ID:

Date Submitted: Sep 06, 2022, 09:46 AM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 7 Land Use and Amenity
- Q2** Please provide your comments
Long Text How are we going to stop our chimney smoking .Our fireplace is our only source of heat
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Male
- Q8** Township
Select Box Panton Hill
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 65-69
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Word of mouth

Response No:
20

Contribution ID: 21177

Member ID:

Date Submitted: Sep 06, 2022, 08:38 AM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 7 Land Use and Amenity
- Q2** Please provide your comments
Long Text Please do not allow fireworks on private land. It impacts both on our natural wildlife and pet animals, there is a risk of fire, we have had fireworks exploding over our roof when they were let off 50 metres away.
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box Diamond Creek
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 50-54
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
21

Contribution ID: 21176

Member ID:

Date Submitted: Sep 06, 2022, 08:38 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 5. Specific Activities
Part 13. Enforcing the local law
Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

I am concerned about revoking the use of fireworks on private lands. Fireworks are dangerous and harmful for the environment. Use of fireworks pose a threat to wildlife and other human beings and can also lead to fires. With so many other forms of entertainment around us, we don't need this dangerous form of entertainment in our society. I support a law banning the use of fireworks in private land and this law shouldn't be revoked.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Eltham

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

35-39

Q11 Are you? (Tick all that apply)

Multi Choice

A person speaking English as a second language

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
22

Contribution ID: 21175

Member ID:

Date Submitted: Sep 06, 2022, 08:15 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 7 Land Use and Amenity
Part 5. Specific Activities**Q2** Please provide your comments

Long Text

Fireworks should not be allowed on private land. The unknown time and frequency of the fireworks would not provide adequate notice to the surrounding houses in order for them to care for their pets appropriately.

When scared pets escape the home during fireworks, there is likelihood that they will end up in the pound and their owners charged a release fee. It is not fair on the pets or the owners that they should have to deal with fines and the stress of losing a pet. The stress caused on the animals is also unfair and not warranted.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
23

Contribution ID: 21172

Member ID:

Date Submitted: Sep 05, 2022, 11:25 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
- Multi Choice
- Part 5. Specific Activities
Part 6. Animals
Part 7 Land Use and Amenity
- Q2** Please provide your comments
- Long Text
- Shipping containers are a low cost way of storage and should be allowed in rural areas
- Q3** Any additional comments on the draft Local Law?
- Long Text
- Council already has a lot of laws no more needed
- Q4** First Name
- Short Text
- Q5** Last Name
- Short Text
- Q6** Email
- Email
- Q7** Gender
- Multi Choice
- Male
- Q8** Township
- Select Box
- Kangaroo
- Q9** Relationship to Nillumbik
- Multi Choice
- Live
- Q10** Age Group
- Select Box
- 55-59
- Q11** Are you? (Tick all that apply)
- Multi Choice
- A person with disability, inclusive of mental illness
A person of Aboriginal or Torres Strait Islander decent
- Q12** How did you hear about this consultation?
- Multi Choice
- Word of mouth

Response No:
24

Contribution ID: 21171

Member ID:

Date Submitted: Sep 05, 2022, 11:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 6. Animals**Q2** Please provide your commentsLong Text
Fireworks should not be allowed on private land because we can not regulate them.
They terrorise animals both wild and domestic, not to mention their potential for devastation to our environment.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 GenderMulti Choice
Prefer not to say**Q8** TownshipSelect Box
Eltham**Q9** Relationship to NillumbikMulti Choice
Live**Q10** Age GroupSelect Box
30-34**Q11** Are you? (Tick all that apply)Multi Choice
A person with disability, inclusive of mental illness
A person identifying as LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+)**Q12** How did you hear about this consultation?Multi Choice
Facebook

Response No:
25

Contribution ID: 21170

Member ID:

Date Submitted: Sep 05, 2022, 11:00 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 6. Animals
- Q2** Please provide your comments
Long Text I am saying no to fireworks on private land - people cannot be trusted not to mention the poor animals who would be affected domestic and wild. Please do not allow this to happen.
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box Eltham
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 55-59
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
26

Contribution ID: 21169

Member ID:

Date Submitted: Sep 05, 2022, 10:48 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

It seems unfair to reduce the number of animals allowed, such as roosters, potentially making people break a law they were previously following. It also seems extremely unfair to dictate the use of recreational vehicles on private land if they are not causing a nuisance. It also appears that local community groups will be prohibited from fundraising unless they specifically get a permit such as selling raffle tickets outside IGA. The draft laws seem to prohibit people enjoying council land without a permit for almost everything. It is unclear if we are allowed to step foot on sporting grounds when there is not a match being played.

Q3 Any additional comments on the draft Local Law?

Long Text

It appears to be unnecessarily complex and reducing residents' rights to enjoy their private property.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
27

Contribution ID: 21168

Member ID:

Date Submitted: Sep 05, 2022, 10:42 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text The requirement for a permit to use a fire pit in your own backyard is ridiculous.

Putting a maximum of 30 days one can sleep in a caravan on their own property is not reasonable. Whilst I don't own a caravan, what possible problem could you have with a teenager or visiting relatives sleep in a caravan on your own property for more than 30 days?

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 50-54

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Facebook

Response No:
28

Contribution ID: 21167

Member ID:

Date Submitted: Sep 05, 2022, 10:09 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 6. Animals
- Q2** Please provide your comments
Long Text I live in acreage and don't think I should be limited to 1 or 2 rooster
Some of these are just ridiculous restrictions
Someone living in a caravan how did that affect the council
Shipping container too ...not everyone has a shed or wants to try get a permit to try build one
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box Arthurs Creek
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 35-39
- Q11** Are you? (Tick all that apply)
Multi Choice
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
29

Contribution ID: 21166

Member ID:

Date Submitted: Sep 05, 2022, 06:17 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 4. Consumption of Liquor in Public Places
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

Part 4 - Consumption of Liquor in Public Places
 20. (1) - we need a definition for Prescribed Place
 Q: How is the prescr be place being communicated to the public eg signs?
 In the past council had signs erected so the public were aware where open alcohol containers were prohibited

20 (3) - authorised officers in the definition includes members of Victoria Police who are appointed under that section
 Q: How are police officers appointed and does it apply to all sworn police officers or only certain ranks?

Part 7 - Land Use and Amenity
 52. Shipping Containers
 The owner or occupier of any land must not , without a permit place or cause or allow to be placed a shipping container on the land
 Q: Does this new law only apply to shipping containers after new law is past or does it apply to containers that have been on land for over 20 years for example?

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Yarrambat

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

55-59

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
30

Contribution ID: 21165

Member ID:

Date Submitted: Sep 05, 2022, 04:23 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for over 22 years. As a resident and landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

This is a great opportunity to support the Bend of Island planning scheme

Only residents and landowners in the Bend should be considered and not those living outside the Bend.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

50-54

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
31

Contribution ID: 21162

Member ID:

Date Submitted: Sep 05, 2022, 08:10 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 6. Animals

Q2 Please provide your comments

Long Text wild rabbits are destroying all vegetation in the area I wish council can control them, area has huge lands but owners can't make a use of land
secondly council easement running throw my property needs attantion when it's raining brings all the dirt from wombat court down to my property and my livestock drinks it for this reason I lost some of them. when dry weather around the water becomes rasty colour and brings alot of mosquitoes to the area which is healthy enviroments to us. I submit vidoe & photoes to the council in 2016 but nothing was done about it.
thanks ?

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 60-64

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Facebook

Response No:
32

Contribution ID: 21161

Member ID:

Date Submitted: Sep 05, 2022, 05:40 AM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
Long Text I would like clause 19f removed. There should not be a potential money grabbing fee just to own or fly a drone.
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Male
- Q8** Township
Select Box North Warrandyte
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 55-59
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
33

Contribution ID: 21160

Member ID:

Date Submitted: Sep 04, 2022, 11:08 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

I moved to the Bend of Islands area in 1992 because of the unique zoning. The SUZ2 zoning has been in place for over 40 years and has been embraced by the majority of residents. Re Clause 67. Restrictions on animals within Bend of Islands. The exclusion of introduced animals is one of the corner stones of the Residential National Park concept that the zoning provides. Council officers have drafted this Local Law to allow them to support and manage the existing Special Use Zone 2. This law should apply to the area prescribed by the SUZ2 which is different to the Bend of Islands area. Re clause 47 Recreational Vehicles. Recreational Vehicle use is inconsistent with the aims and values of Bend of Islands and the SUZ2. A permit consideration for SUZ2 would be inappropriate. I request that the use be not allowed for SUZ2.

These issues are relevant to the SUZ2 and therefore should be considered with reference to comments from Bend of Island owners only.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

70-74

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Other: Involvement with Bend of Islands Conservation Association

Response No:
34

Contribution ID: 21159

Member ID:

Date Submitted: Sep 04, 2022, 09:09 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

As a resident and landowner of the Bend of Islands since 1982, I strongly support the inclusion of Clause 67. Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, in the hope that it will have the effect that the keeping of domestic pets or livestock by residents and or/visitors is prohibited for all properties in the SUZ2.

This has been the intention of the Provisions of the SUZ2 and the ELZ before it, since 1976. All residents and landowners in the SUZ2 area have been aware of this, as it is clearly stated in the Provisions of the SUZ2: - that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited.

The small number of properties with legitimate existing animal rights, as per the register kept by Council as a requirement of SUZ2, should be allowed to keep the animal until it dies.

I request the following changes relating to this Local Law and the Procedure and Protocol Manual: -

Nillumbik General Local Law 1 - clause 67, Restriction on animals within Bend of Islands.

To make it clear that the Local Law applies to the SUZ2 area, which is not the same as the Bend of Islands area, the area definitions in Clause (6) should be amended as follows: -

Delete the area definition of the Bend of Islands, including Schedule 2, as this is not relevant to the Local Law.

Revise the definition of Land to: -

Land means any land that is within or partly within the boundary of the Schedule 2 to the Special Use Zone (SUZ2) – Environmental Living – Bend of Islands.

Nillumbik General Local Law 1 - Procedure and Protocol Manual, for Clause 67 of LL1, Restriction on animals within Bend of Islands.

Amend the Purposes of the Clause to refer to the area of the Special Use Zone in Nillumbik, rather than the area of the Bend of islands.

Nillumbik General Local Law 1 - Procedure and Protocol Manual for Clause 47 of LL1

Use of recreational vehicles.

The use of recreational and motorised toy vehicles is not appropriate on any land in Bend of Islands.

An additional clause should be added to the Criteria for issuing permits, to rule out the granting of any permit for a motorised toy vehicle in SUZ2.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 GenderMulti Choice
Male**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to NillumbikMulti Choice
Live

Q10	Age Group
Select Box	70-74
Q11	Are you? (Tick all that apply)
Multi Choice	None of the above
Q12	How did you hear about this consultation?
Multi Choice	Email

Response No:
35

Contribution ID: 21157

Member ID:

Date Submitted: Sep 04, 2022, 08:24 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

As a Resident and land owner in the Bend of Islands since 1978, I strongly support the inclusion of clause 67, Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors is prohibited, but anyone who currently lawfully has an existing pet, will be allowed to keep the pet until it dies.

The restriction of domestic animals is fundamental to achieving the objectives/outcome of the provisions in SUZ2 – “the preservation and enhancement of the biodiversity of natural flora and fauna within this area of natural beauty”. The community, mainly through the Bend of Islands Conservation Association, has worked consistently over the years to ensure that these objectives are being met.

I thank Council for its efforts in developing this Clause 67 in the Local Law to ensure more effective implementation of this key restriction.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

80-84

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12

Multi Choice

How did you hear about this consultation?

Email

Response No:
36

Contribution ID: 21155

Member ID:

Date Submitted: Sep 04, 2022, 06:55 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 6. Animals
Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

I have lived in the Bend of Islands for 13 years. As a resident/landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

40-44

Q11 Are you? (Tick all that apply)

Multi Choice

Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
37

Contribution ID: 21153

Member ID:

Date Submitted: Sep 04, 2022, 04:58 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
Long Text Please remove clause 19 f.
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Male
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice Play
- Q10** Age Group
Select Box 55-59
- Q11** Are you? (Tick all that apply)
Multi Choice Prefer not to say
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
38

Contribution ID: 21152

Member ID:

Date Submitted: Sep 04, 2022, 04:22 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

Hello, my Name is [REDACTED] & I have lived in the Bend of Islands for 28 years & am a member of the Round the Bend Conservation Co-operative (RTBCC). As a resident of bushland covered by Special Use Zone 2, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1. This being with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

My late husband and I witnessed the damage that dogs can do in two separate incidents over the last 20 odd years while living on the RTBCC. Even though there are no dogs in close proximity to where we reside on the RTBCC, on one occasion we were awoken during the night by the squealing of a Swamp Wallaby, as two domestic dogs chased and attacked it directly beneath our bedroom window. As dogs are known to range up to 20 km in a night, the risk that any residents of the Special Use Zone 2 could have a domesticated dog, with the possibility of it being allowed to wander & hunt if not properly restrained, is totally at odds with protection of the unique fauna here.

If Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1 is not supported, occurrences of this type would surely increase in the Special Use Zone 2, as native wildlife will be threatened if dogs or cats are not adequately contained. There are already times when wandering dogs are found in the Bend of Islands & feral cats spotted. This important biodiverse area does not need any increased risk from dogs or cats owned by residents. Consequently, I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Thank you for your time.
Kind Regards,
[REDACTED]

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10
Select Box
Q11
Multi Choice
Q12
Multi Choice

Age Group

55-59

Are you? (Tick all that apply)

None of the above

How did you hear about this consultation?

Email

Response No:
39

Contribution ID: 21149

Member ID:

Date Submitted: Sep 03, 2022, 10:20 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
 Part 7 Land Use and Amenity
 Part 11. Requirements of Building sites

Q2 Please provide your comments

Long Text

31. Being a council of a rural area, I would think that restricting animals in the quantities proposed is extremely restrictive on residents and an unnecessary overreach.

34. Is this proposal to restrict feeding of wild birds serious?

37. Alarm systems. Why would this need to be legislated and proposed with a time limit. It should be promoted for neighbors to pop their heads out the front door and note if anything suspicious is going on in their street. Not outlawed.

44. A polite way to ban fire pits and the like. Ridiculous. There are many other EPA avenues that can be taken to enforce excessive use of fire pits and targeting normal law abiding citizens with laws I ke this is extremely unfair.

47. An unnecessary overreach of what people can do own their own land. completely unnecessary to legislate this.

48. Toy vehicle. this proposal gets more ridiculous as I read on

51. While I can understand the importance of stopping people living in makeshift housing. 30 days is a significant low number. Having had owned vacant land and used that land for family caravan and camping trips, I would have exceeded that 30 days significantly over the year.

52. Shipping containers are a moveable object. Like a garden gnome. The garden gnome can be moved. If their is an issue with a particular land with a shipping container, then follow up with that land owner. don't target everyone with a outlaw proposal. another local government overreach on private land owners.

68. Reduction of these hours is unnecessary.

Q3 Any additional comments on the draft Local Law?

Long Text

An extremely disappointing piece of proposed legislation to have read. More so that it has been proposed by a local government that I pay significant rates to every year.

Not only did this local law proposal appear to be kept from me, it contains some extremely worrying trends. I have not received any correspondence relating to this proposal. No mail, no email, no phone call. I only found out by speaking with other community members. Why has it appeared to be a document that was going to be shared to a select few.

There are significant restrictions on private land owners. Restrictions that I would call an overreach by Local Government and unnecessary. I would hope the points noted above are abolished from your proposal. The impact of council on private land owners needs to be wound back, not wound up.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Prefer not to say

Q8	Township
Select Box	Christmas Hills
Q9	Relationship to Nillumbik
Multi Choice	Live
Q10	Age Group
Select Box	35-39
Q11	Are you? (Tick all that apply)
Multi Choice	Prefer not to say
Q12	How did you hear about this consultation?
Multi Choice	Word of mouth

Response No:
40

Contribution ID: 21145

Member ID:

Date Submitted: Sep 03, 2022, 03:15 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 4. Consumption of Liquor in Public Places
 Part 5. Specific Activities
 Part 6. Animals
 Part 7 Land Use and Amenity
 Part 8 Waste Disposal
 Part 9 Protection and Management of Council Assets and Infrastructure
 Part 10. Bend of Islands
 Part 11. Requirements of Building sites
 Part 12. Administration of the Local Law
 Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

Q3 Any additional comments on the draft Local Law?

Long Text

Disappointed that there was minimal change taken on board from the last survey .

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Smiths Gully

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

60-64

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
41

Contribution ID: 21139

Member ID:

Date Submitted: Sep 02, 2022, 02:36 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 6. Animals

Q2 Please provide your comments

Long Text

Most rural areas within Nillumbik Shire (Rural Conservation or Green Wedge zones) have a minimum 8 hectare subdivision size. These areas are attractive because of their rural living attributes. This includes the ability to keep poultry and other traditional and popular domestic animals.

I note that the draft local law (31. "Keeping Animals") allows one rooster without a permit for Land greater than 4000m2.

I would like council to consider creating another category for Land greater than 32,300m2 (8 hectares) which would allow greater numbers of animals without a permit.

- This would be consistent with maintaining the unique rural living attributes of those areas. The reason that these properties are highly sought after and rarely change hands is because of the ability to live a rural lifestyle, which includes keeping animals. In the case of poultry, it is not unreasonable to have more than one rooster, as roosters perform a valuable guarding function, as well as allowing poultry flocks to be self-sustaining. It is not unreasonable for poultry keepers to have more than one rooster as they may have more than one breed of chicken and wish to maintain the breed attributes.
- Due to the larger land size and the likelihood that houses on these areas of land are relatively distant from each other, the potential for nuisance caused by noise is greatly diminished.
- A regulation on the number of animals to be kept does not by itself prevent nuisance; this is why there are other local laws (32. "Animal buildings and cleanliness" and 33. "Animal noise") that are directed at prohibit nuisance and sources of nuisance, irrespective of the number of animals on a property.
- Imposing a permit limit for these properties requires more council resources directed at enquiries, issuing of permits, enforcement action and the like.

I appreciate the opportunity to provide my views and thank you for your attention.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Hurstbridge

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

40-44

Q11

Multi Choice

Q12

Multi Choice

Are you? (Tick all that apply)

How did you hear about this consultation?

Facebook

Response No:
42

Contribution ID: 21137

Member ID:

Date Submitted: Sep 02, 2022, 10:50 AM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
- Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
- Long Text 19.
A person must not, without a permit, in or on a council reserve (f) operate, allow to be operated, any drone.
- My feedback:
I am requesting the removal Section 19 (f)
There are plenty of activities that the Council allow others to do on Council reserves without restricting them with permits, and the Civil Aviation Safety Authority (CASA) has rules in place that provide for the safety of people on the ground and in the air.
- Q3** Any additional comments on the draft Local Law?
- Long Text
- Q4** First Name
- Short Text
- Q5** Last Name
- Short Text
- Q6** Email
- Email
- Q7** Gender
- Multi Choice Male
- Q8** Township
- Select Box Eltham
- Q9** Relationship to Nillumbik
- Multi Choice Live
- Q10** Age Group
- Select Box 45-49
- Q11** Are you? (Tick all that apply)
- Multi Choice A person speaking English as a second language
- Q12** How did you hear about this consultation?
- Multi Choice Word of mouth

Response No:
43

Contribution ID: 21135

Member ID:

Date Submitted: Sep 01, 2022, 05:30 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 6. Animals
- Q2** Please provide your comments
Long Text Can we please have cats must be indoors only at all times or that they need to be confined to a cat wa k or similar. Sick of the neighbours cats using our yard as their litter box. And stalking/attacking wildlife. And confirming I haven't read the draft, so ...
- Q3** Any additional comments on the draft Local Law?
Long Text Also, just a suggestion, but a private fully enclosed private dog play space would be great! People could pay to use the enclosure. You'd email or text them a code for access once they'd made their booking and paid. I know I'd use for my dog, but I won't take her to dog park.
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice Live
- Q10** Age Group
Select Box 50-54
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
44

Contribution ID: 21133

Member ID:

Date Submitted: Sep 01, 2022, 12:53 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for more than 20 years.

As a resident/landowner of the Bend of Islands, I strongly object and disagree with the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1.

Every land owner that lives or moves into the Bend Of Islands is aware of the SUZ2 Overlay that doesn't allow cats and dogs and is required to abide by this.

There are many residents with special needs that own a dog (or other exemptions) and further laws to make it 'illegal' creates a punitive approach within an area that is community minded and respectful of our environment.

The other issue with the draft is that it should not be illegal to have a visitors dog stay within your house.

For example - family members/ friends visiting long distance should not be put in a situation where it is illegal for them to have their dog within a house for a short stay.

Creating a law will only create friction and confusion between people with different views and opinions and the current overlay already protects our environment we live in from cats and dogs.

It is important that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

Q3 Any additional comments on the draft Local Law?

Long Text

The wording is obscure as to what other animals are proh bited. Is it a set list? ie there is no mention if chickens & rabbits etc are exempt. Can this be clarified?

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

45-49

Q11	Are you? (Tick all that apply)
Multi Choice	Prefer not to say
Q12	How did you hear about this consultation?
Multi Choice	Other: BICA (who I am a member of) email list

Response No:
45

Contribution ID: 21132

Member ID:

Date Submitted: Sep 01, 2022, 07:11 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I've recently bought a home in bend of islands and strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1. I respect the intentions of prohibitions to the extent that I can't move to bend of islands to live until my own dog has passed. I especially expect this restriction to be enforced, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

40-44

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
46

Contribution ID: 21130

Member ID:

Date Submitted: Aug 31, 2022, 09:07 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

I have lived in the Bend of Islands for 4 years. As a resident of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

30-34

Q11 Are you? (Tick all that apply)

Multi Choice

A person with disability, inclusive of mental illness

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
47

Contribution ID: 21127

Member ID:

Date Submitted: Aug 31, 2022, 01:49 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

18. Activities prohibited in a Council reserve
A person must not in a Council reserve:
destroy, damage, climb on, remove or interfere with any tree, shrub or other vegetation

In an era of increasing childhood obesity, less children being active, that they have a local law preventing children from climbing trees on Council Reserves??

51. Caravans, movable and temporary dwellings
A person must not, without a permit, occupy a caravan, a camper trailer, a movable dwelling, a vehicle, or other temporary structure on private land for more than 30 calendar days per year

Who benefits from this law?? Who is harmed or disadvantaged by this law? There are a wide variety of reasons a person may need to reside in a moveable or temporary dwelling on property for more than 30 days per year, such as:

- The current housing crisis, and extremely low availability of housing in our area
- Someone moving out of the main house to enable a relative to have a room to facilitate their care and support
- older teen or adult child wanting their own space
- adult child unable to find a rental in current housing market
- someone at risk of homelessness if not able to stay in temporary / moveable housing.

The advantages of being able to provide simple, low cost shelter to people who require it far outweighs the aesthetic of housing extra structures on a property. Residents of this shire don't want high density housing, but their residents need alternatives for when they cannot find other types of accommodation. Shelter is a human right, that should not be taken away by Council who should be doing everything to help people have safe, accessible housing in the area they already reside so they can access ongoing employment, schooling, social supports etc.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Eltham

Q9 Relationship to Nillumbik

Multi Choice

Play

Q10 Age Group

Select Box

45-49

Q11	Are you? (Tick all that apply)
Multi Choice	None of the above
Q12	How did you hear about this consultation?
Multi Choice	Facebook

Response No:
48

Contribution ID: 21125

Member ID:

Date Submitted: Aug 30, 2022, 11:20 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 6. Animals
 Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

Part 3. Council Land, Buildings and Reserves:

18. Activities prohibited in a Council reserve

A person must not in a Council reserve

(b) "destroy, damage, climb on, remove or interfere with any tree, shrub or other vegetation" - how can volunteers assist in council working bees in reserves where vegetation pruning and weed removal are core activities?

19. Activities which may be permitted in a Council reserve

This is already more than adequately covered by '16. Behaviour in or on Council Land'.

What does 'may be permitted' mean and in what context? Is this some arbitrary decision and who determines it? Horse riders are legitimate recreational users of council's reserves and the entire network of shared trails across the shire, but which are now being unreasonably targeted by this law and on what basis or evidence of need?

I have particular concern with the word "enjoyment" in Local law 19 (1) (a) (iii) "riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the Council reserve by any other person" - The word "enjoyment" is subjective, indefinable and dangerous, laying open vexatious complaint from people with a personal agenda or vendetta against horse riders (and there is precedent of this in the shire with the proposed closure of reserve trails to horse riders in 2010).

AND

(iv) "on a road or bicycle path" - are horse riders expected to have a permit to ride anywhere else other than on a road or bicycle path (ie on shared trails within reserves and throughout the shire)? This may not be the intent, but it is how it reads. This needs to be redrafted to also include the word 'trail' or 'shared trail'.

Part 6. Animals:

30. Collection and disposal of animal excrement

In relation to Local Law 30 (4) "A person who is in apparent control of any livestock in or on a Public Place must remove that livestock's excrement from any surface designed for and used by pedestrians."

This section of the law is problematic as in council's bushland reserves, horse riders are requested (by Environmental Officers) to leave any manure on the trail surface versus kicking it off the trail. It is not feasible or tenable that horse riders be expected to remove manure off trail surfaces if it cannot be kicked to the side of the trail.

And (5), horses dropping manure onto a road ("place animal excrement onto a road") should not be an offence as horse riders are legally entitled to use roads as vehicles.

Part 10. Bend of Islands:

67. Restriction on animals within Bend of Islands

Local Law 67 should not apply to the properties within the Bend of Islands which have existing use rights to keep domestic pets and livestock attached to their property titles.

Local Law 67 should not apply to shared use trails on public land that may pass on the boundary or partly within the boundary of the Bend of Islands.

Q3 Any additional comments on the draft Local Law?

Long Text

A council that promotes equity and inclusion should not persecute members or sectors of the public in a way that undermines that equity and inclusion and creates and facilitates divisiveness in the community.

On what grounds are horse riders being singled out for excessive public scrutiny, enforcement and potential exclusion from public land?

And is council comfortable that our local riding clubs (which are situated on council owned land - a 'municipal place or reserve') be left vulnerable should complaints be made against them?

Some of the most marginalised people in our shire - women and girls, aged, rural, disabled and mobility compromised residents are horse riders - please don't exclude them even more by limiting our access to the trail networks throughout the

	shire.
Q4	First Name
Short Text	
Q5	Last Name
Short Text	
Q6	Email
Email	
Q7	Gender
Multi Choice	Female
Q8	Township
Select Box	Hurstbridge
Q9	Relationship to Nillumbik
Multi Choice	Live
Q10	Age Group
Select Box	55-59
Q11	Are you? (Tick all that apply)
Multi Choice	Prefer not to say
Q12	How did you hear about this consultation?
Multi Choice	Email

Response No:
49

Contribution ID: 21124

Member ID:

Date Submitted: Aug 30, 2022, 09:57 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for 30 years. As a resident/landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies. It should not then be replaced by another pet.

The exclusion of domestic pets and livestock was one of the primary attractions of moving to this area. The benefit to the native wildlife is immense and reflected in the number and diversity of the wildlife. There is the entirety of the rest of the State in which individuals can legitimately have pets. Bend of Islands should remain as a place where the native fauna is preferred over the introduced pets and livestock.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

65-69

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
50

Contribution ID: 21122

Member ID: 914

Date Submitted: Aug 30, 2022, 04:41 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your commentsLong Text
I am submitting as a thirty year owner resident of Ben of Islands.
Re Clause 67. Restrictions on animals within Bend of Islands.
1. This clause does not introduce a new requirement. The SUZ2 zoning in place for over 40 years includes these restrictions on introduced animals.
2. The local law was proposed by council officers as a way of managing the existing zone provisions.
3. The naming of the clause and the area concerned may be confusing. The law must apply to the area of the Special Use Zone 2 which differs slightly to the Bend of Islands area.
Re clause 47 Recreational Vehicles.
I request that Recreational vehicles be not permitted to be used in Bend of Islands Special Use Zone 2.
This use would be inconsistent with the aims and values of the area. Council officers have advised that they agree with this and have said that permits would not be given but a clear direction by this local law would be appropriate.
The above issues are specific to Bend of Islands SUZ2 and impact no other area of the Shire. I therefore ask that only comments from Suz2 area owners be considered.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 GenderMulti Choice
Male**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to NillumbikMulti Choice
Live**Q10** Age GroupSelect Box
75-79**Q11** Are you? (Tick all that apply)Multi Choice
None of the above**Q12** How did you hear about this consultation?Multi Choice
Other: Involvement with Bend of Islands Conservation Association

Response No:
51

Contribution ID: 21120

Member ID:

Date Submitted: Aug 30, 2022, 12:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

We have lived in the Bend of Islands for 12 years. As a resident /landowner of the Bend of islands, I strongly support the INCLUSION of Clause 67 Restriction on animals within the Bend of Islands / SUZ 2 in Nillumbik General Law 1. This will ensure that the keeping of domestic pets or livestock by residents and visitors is prohibited. With the exception of existing legitimately held pets, be allowed until the pet dies.

We also request that clause 67 is consistent with the SUZ 2 planning scheme area. Further we request that clause 47 prohibits the granting of any motorised toy vehicle in SUZ 2

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

70-74

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Other: Spoken on this issue at Planning Committee Meeting

Response No:
52

Contribution ID: 21119

Member ID:

Date Submitted: Aug 30, 2022, 11:37 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 6. Animals

Q2 Please provide your comments

Long Text To whom it may concern,

I would like to comment on the disruptive nature of the surrounding roosters in our vicinity of Crowe Ct in Eltham VIC 3095 in the hopes that the changes to the local laws can be altered to NOT allow any roosters in Eltham and other suburbs in Nillumbik that are similarly densely populated.

The roosters in our vicinity of Crowe Ct in Eltham VIC 3095 are very disruptive and wake us up every morning at 4am, continuing to crow for hours and throughout the day. My partner and I were hoping to see roosters NOT being allowed in Eltham AT ALL in the future, as Eltham is densely populated with houses built close together. My partner works from home and I work as a registered nurse over the 24 hour period. We have personally experienced buyer's remorse from the purchase of our home last year due to the disruptive nature of the nearby roosters, which has caused much sleep deprivation and frustration. Most of the other councils in Melbourne, such as Whittlesea shire council do not allow roosters in residential areas at all, which we believe should be replicated in this instance as we do not all live on farm blocks in this part of Eltham.

I believe the proposed new local law requires our neighbours to have a permit to keep 1 rooster, and that they need to be at least 10 metres from our boundary. The farm nearby also has roosters that border their property which is not at least 10 metres from their boundary.

We are therefore concerned that our neighbour will be able to apply to keep a rooster even though our property frontages are both only 14m wide which will force us to move out of the area in order to sleep through the night, and for myself to sleep during the day when on night duty. It feels like a hopeless situation and we feel we are almost at the end of our tether.

Kind regards,

[REDACTED]

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text [REDACTED]

Q5 Last Name

Short Text [REDACTED]

Q6 Email

Email [REDACTED]

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 25-29

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Word of mouth

Response No:
53

Contribution ID: 21117

Member ID:

Date Submitted: Aug 29, 2022, 10:19 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

I do not support this change in law, in relation to the Part 10 (67) Restriction on animals within the Bend of Islands. My partner and I have recently purchased a property in the Bend of Islands. Our property has a 'pre-existing land use right to have domestic pet', allowing us to own a dog. We bought our property on the premise that we would be able to have a dog on the property, as discussed with Nillumbik Council. We feel this change in law has not been properly discussed with the 12 house owners with 'pre-existing use right to have domestic pet' in the Bend of Islands. We certainly have not been consulted. There are only a small number of property owners who have a 'pre-existing use right to have domestic pet'. To believe that 'community consultation' in the Bend of Islands is a fair way of deciding whether or not this law should be passed is entirely unjust. We are disappointed in the local councillors who believe that their 'community consultation' with the residents of the Bend of Islands provided a holistic view of the pet situation and the impact that losing the right to own a domestic pet will have on some property owners.

We understand the conflict in having pets in an area with the native flora and fauna that we have. However, we are also confident that we can keep a dog on the property without impacting the precious flora and fauna, as dog owners in the Bend currently do.

We strongly believe that losing our 'pre-existing use right to have domestic pet' will reduce the value of our property if we wish to sell in the future. If we had known that we may lose the pre-existing right, we would not have bought the property in the Bend of Islands.

For personal reasons, we see owning a dog as being extremely important in supporting our mental wellbeing.

If some members of the Bend of Islands community are insistent on 'tightening up' pet laws, perhaps current property owners with the 'pre-existing use right to have domestic pet' could reapply or request they maintain access to this right? Changing the law to prevent a very small group of people from owning a domestic pet seems extremely unnecessary.

Q3 Any additional comments on the draft Local Law?

Long Text

I am more than happy to be contacted by the council to discuss my feedback.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

25-29

Q11	Are you? (Tick all that apply)
Multi Choice	None of the above
Q12	How did you hear about this consultation?
Multi Choice	Word of mouth

Response No:
54

Contribution ID: 21116

Member ID:

Date Submitted: Aug 29, 2022, 10:17 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

I do not support the proposed local law Part 10, 67. (Bend of Island). We recently purchased our dream property in the Bend of Islands in December 21. We then settled in March 22. Before making an offer I contacted the Nillumbik council to confirm the pre existing use rights to have domestic pets for this property. This was one of the determining factors in us purchasing this property. The change in this local law is going to cost us huge amounts of money, lowering the value of our property and potentially putting us in a financially vulnerable situation.

We understand we are part of a very small minority of residents that have these pre-existing use rights, but do not support the community consultation over this process. Of course the large majority of residents who don't have the rights would vote to take them away from a very small portion of people who do. This decision seems illogical from a council that prides itself in inclusion of minorities within the community.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

30-34

Q11 Are you? (Tick all that apply)

Multi Choice

None of the above

Q12 How did you hear about this consultation?

Multi Choice

Other: Via the councils website

Response No:
55

Contribution ID: 21109

Member ID:

Date Submitted: Aug 26, 2022, 09:37 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text I question the current restriction on dog ownership within the Bend of Islands. I believe that dogs provide enormous benefits to people- particularly those suffering from mental illness, isolation and grief. Dogs can bring enormous benefits to our wellbeing- releasing endorphins, encouraging us to be more physically active (when engaging in play/walks) whilst providing unconditional love and companionship. The value of dogs within the household environment was intensified during Co-Vid lockdowns. In an area such as the Bend of Islands, alot of children, the elderly and single/widowed residents, have restricted social contacts/interaction, where a dog would have the potential to make a positive difference in their lives. The argument that dogs are a threat to the environment is stretching the reality- especially when owners are sensitive and respectful to the environment within their community. I believe that it is about responsible ownership such as walking the dog on a lead when within the Bend of Islands. I am aware that a number of residents in the area would love to have a dog but are reluctant to voice their opinions within the community. I support that the Bend of Islands is a environmentally significant area, but there are many areas within Australia, that have comparable environmental value. To my knowledge, the Bend of Islands is the only area where home owners reside in Australia, that has this restriction.

Q3 Any additional comments on the draft Local Law?

Long Text Perhaps, there could be a process of applying for dog ownership within the Bend of Islands. Discussion could include issues such as the preferred breed of dog, restrictions on having the dog on a lead when walking and using paths/roads (prohibit movement through bushland). Dogs would need to be retained within the property of the owners and not be permitted to roam.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 50-54

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Email

Response No:
56

Contribution ID: 21108

Member ID:

Date Submitted: Aug 26, 2022, 01:14 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 7 Land Use and Amenity
 Part 13. Enforcing the local law
 Part 12. Administration of the Local Law

Q2 Please provide your comments

Long Text

19F States that a person without a permit can not in or on a council reserve, operate or allow to be operated any drone. Using that logic a drone flies , therefore the council controls the airspace not CASA? It seems to me that as long as the drone operator maintains CASA rules and regulations there should no issue, I spoke to another council about flying a drone in the gardens there, and as long as i follow CASA rules there was no issue.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Greensborough

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

50-54

Q11 Are you? (Tick all that apply)

Multi Choice

Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice

Facebook

Response No:
57

Contribution ID: 21107

Member ID:

Date Submitted: Aug 25, 2022, 05:00 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 5. Specific Activities
- Q2** Please provide your comments
Long Text I would like section 19f removed as the safe usage of drones or UAV is strictly controlled by CASA and no further regulation is needed.
- Q3** Any additional comments on the draft Local Law?
Long Text
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice Play
- Q10** Age Group
Select Box 65-69
- Q11** Are you? (Tick all that apply)
Multi Choice None of the above
- Q12** How did you hear about this consultation?
Multi Choice Facebook

Response No:
58

Contribution ID: 21106

Member ID:

Date Submitted: Aug 25, 2022, 08:17 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 6. Animals

Q2 Please provide your comments

Long Text The draft states that animals kept on private land must not be a "nuisance". The draft does not describe what a "nuisance" is. This leaves it open to interpretation. Is there a plan to provide more granular expectations (specifically for nuisance dog owners and dog barking)?

Other councils often (see below) have very clear expectations regarding noise from "nuisance" dog barking. For example; "acceptable number of barks per hour/day/night". This is a very common problem in Nillumbik and detracts from our quality of life and personal freedoms to be free from chronic noise in our habitable spaces. Without accurate guidelines for chronic disturbances such as persistent dog barking, it leaves those affected with no leverage to engage problem owners into an initial discussion/resolution.

https://www.campbelltown.sa.gov.au/__data/assets/pdf_file/0027/236961/Barking-Dog-Information-Pack.pdf

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Eltham North

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 40-44

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Other: Twitter

Response No:
59

Contribution ID: 21105

Member ID:

Date Submitted: Aug 25, 2022, 07:27 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your commentsLong Text Section 19 (f) relating to Drones should be removed.
Drones don't cause any damage to the environment and are already regulated under strict laws and restrictions put in place by CASA.**Q3** Any additional comments on the draft Local Law?Long Text By including this section in the laws you are restricting children from playing with their toys in a safer environment and forcing drones to be flown closer to homes.
CASA Regulations already provide heavy restrictions on drone pilots on altitude, time of day to fly right through to not flying closer than 30m from people. Empty Parks and reserves provide the open spaces to enable this to happen safely.**Q4** First Name

Short Text [REDACTED]

Q5 Last Name

Short Text [REDACTED]

Q6 Email

Email [REDACTED]

Q7 Gender

Multi Choice Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice Play

Q10 Age Group

Select Box 50-54

Q11 Are you? (Tick all that apply)

Multi Choice Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice Word of mouth

Response No:
60

Contribution ID: 21102

Member ID:

Date Submitted: Aug 24, 2022, 11:32 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

The broad and over-reaching nature of these reforms is concerning - why should residents have to attain permits to have caravans, camper trailers and shipping containers? If it can be proven these structures are used as dwellings or to generate income such as a caravan storage yard, that's a different scenario. It may also reasonable to place conditions on the placement of such structures so as they don't negatively impact on neighbours or properties, however why should the average land owner who uses their caravan/camper trailer for an annual holiday, or a shipping container for storage, have to pay to do so? It's ludicrous and clearly money grabbing.

Q3 Any additional comments on the draft Local Law?

Long Text

The broad and over-reaching nature of many of these reforms is concerning as is the lack of consideration for distinction between the needs and use of residential and rural properties. With such diversity of property types within Nillumbik Shire, it's concerning these reforms are 'one size fits all'.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Hurstbridge

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 45-49

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Email

Response No:
61

Contribution ID: 21101

Member ID:

Date Submitted: Aug 24, 2022, 10:03 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for 16 years. As a resident landholder, I strongly support the inclusion of Clause 67 regarding the restriction on domestic animals within Bend of Islands in Nillumbik General Local Law 1.

I support the ban on keeping of domestic pets or livestock by residents and or/visitors, but that anyone who currently has an existing, legitimately registered pet, will be allowed to keep the pet until it dies. At this point, the allowance to have a pet will expire and the animal will not be allowed to be replaced.

I request that the area of coverage in Clause 67 is for the current SUZ2 Planning Scheme area, which is not exactly the same as the Bend of Islands gazetted area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicles and the use of drones in the SUZ2 area

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

55-59

Q11 Are you? (Tick all that apply)

Multi Choice

A person identifying as LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer+)

Q12 How did you hear about this consultation?

Multi Choice

Email

Response No:
62

Contribution ID: 21100

Member ID:

Date Submitted: Aug 24, 2022, 08:52 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for 16 years.
As a resident landholder, I strongly support the inclusion of Clause 67 regarding the restriction on domestic animals within Bend of Islands in Nillumbik General Local Law 1.
I support the ban on the keeping of domestic pets or livestock by residents and or/visitors, but that anyone who currently has an existing, legitimately registered pet, will be allowed to keep the pet until it dies, At this point, the allowance to have a pet will expire and the animal will not be allowed to be replaced. The property will then revert to the intended situation of no domesticated animals.
I request that the area of coverage in Clause 67 is for the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands named area.
I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicles and the use of drones in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

55-59

Q11 Are you? (Tick all that apply)

Multi Choice

Prefer not to say

Q12 How did you hear about this consultation?

Multi Choice

Other: Contacted by Council email

Response No:
63

Contribution ID: 21099

Member ID:

Date Submitted: Aug 23, 2022, 11:18 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text I have lived in the Bend of Islands for 18 months. As a landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice Live

Q10 Age Group

Select Box 60-64

Q11 Are you? (Tick all that apply)

Multi Choice None of the above

Q12 How did you hear about this consultation?

Multi Choice Email

Response No:
64

Contribution ID: 21098

Member ID:

Date Submitted: Aug 23, 2022, 09:07 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
 Part 8 Waste Disposal
 Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

52. Shipping containers
 The owner or occupier of any land must not, without a permit:
 (a) place; or
 (b) cause or allow to be placed-
 a shipping container on the land.

** Shipping containers are removeable, those of us on large acreage should be free to have a shopping container to store farm goods, animal feed etc without restrictions. Needing a permit is ridiculous.

47. Use of recreational vehicles

A person must not, without a permit, on private land, use a recreational vehicle, or allow a recreational vehicle to be used.

** Does this relate to "paddock bombs"? why cant we drive an unregistered vehicle on our own land??

41. Chimneys and other nuisances

(1) An owner or occupier of private land must ensure that a chimney does not discharge dust, grit, ashes, smoke, or odour that is unreasonable.

(2) An owner or occupier of private land must ensure that the amenity of the area is not detrimentally affected by: the emission of odours, dust, or particles of fertiliser or compost; and flies or other disease vectors on the land.

** Sorry but how does one prevent SMOKE from exiting a chimney!?? Is this a joke? this is ridiculous in semi rural Nillumbik areas.

By law #30

3) A person who fails to produce a Litter Device when requested to do so is guilty of an offence.

(4) A person who is in apparent control of any livestock in or on a Public Place must remove that livestock's excrement from any surface designed for and used by pedestrians.

(5) A person must not wash, sweep or place animal excrement onto a road.

** How does someobdy riding a horse carry something large enough to carry away the horse poo? horse poo is organic, does this law imply a horse rider must produce a huge shovel and garbage bag to carry horse poo away? and that we cannot remove it to place it under a tree?? Horse poo is not dog poo. This is again ridiculous and not sensible whatsoever.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

	Q8	Township
Select Box		St Andrews
	Q9	Relationship to Nillumbik
Multi Choice		Live
	Q10	Age Group
Select Box		40-44
	Q11	Are you? (Tick all that apply)
Multi Choice		None of the above
	Q12	How did you hear about this consultation?
Multi Choice		Email

Response No:
65

Contribution ID: 21097

Member ID:

Date Submitted: Aug 23, 2022, 08:53 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

We have lived in the Bend of Islands for 38 years. As a resident of the Bend of Islands, we strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

We request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

We would also like Clause (47) to rule out the granting of any permit for a motorized toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Live

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Word of mouth

Response No:
66

Contribution ID: 21095

Member ID:

Date Submitted: Aug 22, 2022, 11:00 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your commentsLong Text
Please remove section 19f - the drone regulations set out by CASA are sufficient for control of all airspace and the restrictions for drones in Australia. Additional controls at a council level are superfluous and will create confusion and are likely to impractical and unenforceable. For example, some children wanting to fly a tiny remote control plane in a local reserve are going to require a council permit? This is an onerous addition to council restrictions and an additional workload for staff that is completely unnecessary.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Greensborough

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
67

Contribution ID: 21094

Member ID:

Date Submitted: Aug 21, 2022, 04:36 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

RE Part 7 Land Use and Amenity

I have lived in the Bend of Islands for 32 years. As a landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

RE Part 10 - Bend of Islands

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
68

Contribution ID: 21093

Member ID:

Date Submitted: Aug 21, 2022, 01:37 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 10. Bend of Islands
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

As a landowner and resident of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies. I bought property in the Bend of Islands BECAUSE of the provisions in the SUZ2 and support anything that can be done to phase out domestic pets over time. The proposed law will help with this. I have an existing use right to keep a dog but do not intend ever to do so. The "value" of my property is measured by the fact that it is within the SUZ2, not by whether I can keep a dog.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area (which includes Oxley Rd), which is not the same as the general Bend of Islands area.

I would also like Clause (47) to specifically rule out the granting of any permit for a motorised toy vehicle or recreational dirt bike etc in the SUZ2 area as these vehicles can cause needless damage to the local environment.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
69

Contribution ID: 21090

Member ID:

Date Submitted: Aug 19, 2022, 08:20 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Q2 Please provide your comments

Long Text

Q3 Any additional comments on the draft Local Law?

Long Text

I respectfully request that under Section 19, Activities which may be permitted in a Council reserve, Subsection (f) operate, allow to be operated, any drone, be removed.

My reasonings for this are:

1. "Drones" are already heavily regulated by the Civil Aviation Safety Authority and, if flown in accordance with CASA rules, pose no real harm or threat to people or flora and fauna.

Example:

You must:

- only fly one drone at a time
- always fly your drone in visual line-of-sight — this means:
 - o flying only during the day
 - o avoid flying through cloud, fog or smoke
 - o you can always see your drone with your own eyes — not by using goggles, binoculars or another device
 - o not flying behind obstacles that stop you from always seeing your drone. For example, trees, buildings or other structures.
- You must not fly your drone:
 - higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field
 - closer than 30 m to people — other than those helping to control or navigate your drone
 - over or above people at any time or height — a crowded beach, busy road, sporting event, concert or wedding are all populous areas
 - in a way that creates a hazard to another person, property or aircraft
 - near emergency operations
 - in prohibited or restricted airspace (use a CASA-verified drone safety app to help you)
 - closer than 5.5 km to a controlled airport, which usually has a control tower, if your drone weighs more than 250 g. You can operate indoors provided the drone can't get out of the building. If you're a ReOC holder, please see more information on flight authorisations.

2. Unfortunately CASA, defined "drones" collectively for a range of remote controlled and model aircraft, and makes no discrimination between the diverse types of aerial vehicles under this heading. The aerial vehicle most commonly associated with recreational drones is a small, multi prop, relatively quiet, (recreational drones of sub 2.1kg type, are seldom heard beyond 30 metres), electrically powered machine, specifically designed for aerial photography. These photographic drones are relatively expensive, technically sophisticated devices designed for the purpose of taking high quality photographs and videos from otherwise inaccessible vantage points. They also possess safety capabilities well in excess of almost all other types of aerial vehicles, including manned aircraft. It is extremely rare that they crash randomly or make uncontrolled impact with people.

3. Whilst Council can place prohibitions or permitting arrangements on the flying of recreational drones, they are not able to prohibit drones being flown over its parks and reserves.

4. The implementation of the proposed Council rules will be difficult and expensive to administer. It is probable that the prohibition will be ineffective in any aim to improve or protect the experience of visitors or users of its reserves and parks, particularly if drone fliers choose to fly from outside the Councils jurisdiction rather than take time to obtain a permit.

My Recommendations:

Council specifically insert in its regulations, a drone specific section to establish a clear reference for potential drone fliers and park users generally. This will provide Council a greater capacity to control or manage recreational drone flying and encourage greater cooperation and compliance.

Insert in proposed regulations:

Drones – Recreational Photographic

1. For the purposes of its regulations, Council defines drones as Multi Rotor Photographic Drones less than 2.1 kg weight.
2. All other drones, as defined by CASA, are prohibited from flying in Nillumbik Shire reserves and parks without prior registration and approval.
3. Council has adopted CASA rules as their default regulations for recreation drone flying in its parks and reserves. E.g. Multi Rotor Photographic Drones (up to 2kg weight):
 - a. Must not be flown within 30 metres of any park user
 - b. Must be flown within visual line of sight or no more than 200 metres (whichever comes first)
 - c. Must not be flown over any gatherings of people undertaking activities such as picnics, social gatherings, markets or sport etc.
 - d. Must only be flown from within areas set aside for the purposes of launching, controlling and landing MRPD as defined.
 - e. Must not be flown over or from within areas or zones of parks and reserves designated as no fly areas for environmental,

bio diversity or cultural reasons determined by Council.
 f. Must cease flying operations from within a Council reserve or park if requested to do so by an authorised Council Officer who deems the operation of the photographic drone to be inappropriate or contrary to Council rules i.e. Drones - Section 3 above.
 g. Council install appropriate signage based on a traffic light system which indicates the level of recreational photographic drone flying permitted in a park or reserve.
 e.g.
 FREE FLYING:
 Drones may be flown in this area in accordance with Civil Aviation Safety Authority Rules
 (Council Regulation No..... etc)

RESTRICTED FLYING:
 Drones may be flown in this area only in accordance with Civil Aviation Safety Authority rules and specific rules and restrictions set out in Nillumbik Shire regulations. (See Nillumbik Shire website)

DRONE FLYING PROHIBITED
 Drones must not be flown from within this reserve under any circumstances.

Q4 First Name

Short Text [REDACTED]

Q5 Last Name

Short Text [REDACTED]

Q6 Email

Email [REDACTED]

Q7 Gender

Multi Choice Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
70

Contribution ID: 21089

Member ID:

Date Submitted: Aug 19, 2022, 06:43 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text Please remove clause 19(f)
There is no need for council to legislate Drone use given it is heavily regulated by CASA. Councils are removing all reference to drones citing CASA as the relevant statutory authority. Council should be seen as all inclusive and one recreational hobby should not require a permit where others do not.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
71

Contribution ID: 21088

Member ID:

Date Submitted: Aug 19, 2022, 03:39 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text I note the proposed ban on the use of drones on Council land.

CASA as the ultimate authority already has strong established rules in respect of the use of drones including shortly, the requirement for Operators to be licensed.

Additional Council regulation is unnecessary and will likely lead to confusion and potential inadvertent breaches of the Local Law when an Operator otherwise reasonably believes they are complying with Federal Law and Regulations.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Greensborough

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
72

Contribution ID: 21087

Member ID:

Date Submitted: Aug 19, 2022, 03:31 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your commentsLong Text
My family & I have been landowners in the Bend of Islands since 1950. We have been very active in protecting the area from inappropriate development & successfully opposed the building of the Yarra Brae dam in the 1970s.
I strongly support Clause 67: the prohibition of keeping domestic pets or livestock within the Bend of Islands (Nillumbik General Local Law 1). Please ensure that the "area of coverage" in Clause 67 is made consistent with the current 'Special Use Zone 2' Planning Scheme area which includes the Bend of Islands.
I understand that new residents with an existing pet should be allowed to keep it until it dies.**Q3** Any additional comments on the draft Local Law?Long Text
I would also suggest that Clause 47 should prohibit the granting of permits for motorised toy vehicles in the SUZ2 area.**Q4** First NameShort Text
[REDACTED]**Q5** Last NameShort Text
[REDACTED]**Q6** EmailEmail
[REDACTED]**Q7** GenderMulti Choice
Female**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
73

Contribution ID: 21086

Member ID:

Date Submitted: Aug 19, 2022, 03:06 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
 Part 12. Administration of the Local Law
 Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

Wish to know why Nillumbik fails to address blatant and entrenched and seemingly endorsed light pollution from a commercial property which placed across three large sites, every night of the year.
 Situation is totally untenable, cannot negotiate any resolution with the so called 'people in charge' to rectify situation, plus they keep adding more and more inappropriately over bright lighting that are so bright and blinding and deliberately misdirected into neighbourhood and private properties. So all this from a so called 'Special Use Zone' into what is supposed to be Rural Conservation Zone with various overlays.
 We have had enough of being told it is apparently 'legal' [that is all they care about, all entirely] because of the very much outdated Victorian 1980 Health Act, which now so far out of date, with all the horrible modern over bright white floodlights that are excessive in any situation, it is no longer funny.
 Nillumbik Council needs to lead the way and call for change, whether it is light pollution, spill, glare from commercial or private properties, it needs to be easier, for those affected by ill-advised and bad and excessive lights, to make amends for offensive lighting to be removed and be able to revoke lights already installed, plus the Council needs to be able to insist on engineered boxes to stop offensive lights.

Q3 Any additional comments on the draft Local Law?

Long Text

Fails to address nuisance Light Pollution at any level.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Q8 Township

Select Box

Research

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
74

Contribution ID: 21085

Member ID:

Date Submitted: Aug 19, 2022, 02:39 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your commentsLong Text
I have lived in the Bend of Islands for 21 years. As a resident I strongly support the inclusion of Clause 67 Restriction on Animals within Bend of Islands in Nillumbik General Local Law 1, so that the keeping of domestic pets and livestock by residents is prohibited. Anyone who currently has a pet, should be able to keep the pet until it dies, but the animal should not be replaced. This is vital to protect the wildlife of the area.
I also request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning scheme area, which is not the same as the Bend of Islands area.
Clause 47 should rule out granting any permits for motorised toy vehicles in the SUZ2 due to the delicate environmental nature of the area and the potential damage that these types of vehicles can cause to soil and plant life.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 GenderMulti Choice
Female**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
75

Contribution ID: 21084

Member ID:

Date Submitted: Aug 19, 2022, 10:14 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands mostly since the 1970s and been a land owner since the early 1980s. I have chosen to live in the area because of its wonderful amenity of local bush and no interference of domestic pets on the wildlife. As a resident/landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

The Council is in a wonderful position to receive respect and appreciation from other Shires in the work it does to support good environmental legislation. This is a great opportunity to strengthen the protection of the special Bend of Islands biodiversity

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
76

Contribution ID: 21081

Member ID:

Date Submitted: Aug 18, 2022, 05:21 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
Long Text I want 19. (f) removed
- Q3** Any additional comments on the draft Local Law?
Long Text Council land should be available to all users without restrictions.
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Female
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice
- Q10** Age Group
Select Box
- Q11** Are you? (Tick all that apply)
Multi Choice
- Q12** How did you hear about this consultation?
Multi Choice

Response No:
77

Contribution ID: 21080

Member ID:

Date Submitted: Aug 18, 2022, 01:55 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text

I am against the proposal to require a permit to be issued to fly a drone on council reserves (Point 19 F in the draft legislation).

CASA already provide extensive regulations/registration to ensure the safety and privacy of other citizens and another layer of regulation is not required.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
78

Contribution ID: 21079

Member ID:

Date Submitted: Aug 18, 2022, 12:51 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text I want 19. (f) removed.t, I believe none of us want to have to apply (and potentially have to pay) to have a permit to fly our drone on an area of Council land that should be available to all users without restrictions.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Prefer not to say

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
79

Contribution ID: 21078

Member ID:

Date Submitted: Aug 18, 2022, 10:14 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

Good Day : I am writing as a Bend of Island Resident to the council to maintain the clause 67 in regard to pets within the Bend of Island. This maintains the position that Bends of Islands residents are permitted to have pets only until those pets die. This is a strong protective measure in regard to our native animal population and should be maintained

Q3 Any additional comments on the draft Local Law?

Long Text

Also I'd like the council to maintain these protective measures jUnder Section 67 to include the boundary set out under the SUZ 2 Planning Scheme
If you are also concerned with these issues - Thank you for listening

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
80

Contribution ID: 21077

Member ID:

Date Submitted: Aug 18, 2022, 08:42 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text Local parks should be for everyone from dog walkers to drone flyers. Pls review your drone laws as everyone would like to enjoy local parks.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
81

Contribution ID: 21076

Member ID:

Date Submitted: Aug 18, 2022, 08:04 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text

I am against the permit trigger on the use of drones being launched from Council controlled land. There is no reason why a permit would be needed as drones come under CASA regulations. You will find that most people who fly drones do the right thing and abide by the Casa Rule and regulations. Those who don't can be reported to Casa and prosecuted. You are only restricting people from the area within the Nillumbik Shire through the use of drone for photography who post on social media which gives free promotional advertising to the Nillumbik Shire. Other councils have shied away from restricting drones from their municipality once realising that drones come under the control of CASA.

I for one are against this proposal as I am a keen photographer that use drones as one of my main equipment.

Q3 Any additional comments on the draft Local Law?

Long Text

I wish the Nillumbik shire to drop the proposed local law on drones so people can enjoy this hobby for the benefit of mental health.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
82

Contribution ID: 21075

Member ID:

Date Submitted: Aug 18, 2022, 07:49 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text Please remove section 19(f) we need activities for Healy bodies and minds and we all have individual ways of doing that . Drone flying with CASA rules in place keep everyone safe and happy . Thank you

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
83

Contribution ID: 21074

Member ID:

Date Submitted: Aug 18, 2022, 07:40 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text A permit system should not be required for the use of drones. Drones are already adequately regulated by CASA who control the airspace for which drones operate in. NOT the council.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text [REDACTED]

Q5 Last Name

Short Text [REDACTED]

Q6 Email

Email [REDACTED]

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Doreen

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
84

Contribution ID: 21073

Member ID:

Date Submitted: Aug 18, 2022, 07:19 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text

Hi,

Would I like to provide feedback on the following section:

19. Activities which may be permitted in a Council Reserve

A Person must not, without a permit, in or on a Council reserve

(f) operate, allow to be operated, any drone;

I am requesting the removal of Section 19 (f) as

all airspace is currently regulated by CASA (Civil Aviation Safety Authority), they have clearly defined rules and regulations to protect airspace and people on the ground. Creating additional laws and restrictions at a council level can undermine the laws which are in force at a commonwealth level. Council rules are regulations are generally fixed for a long period of time, where as CASA is an active body which can implement laws are regulations to respond to the emerging topic of drones as and when needed.

There are plenty of activities that Council allow others to do on Council reserves without restricting them with permits.

Thanks,

[REDACTED]

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
85

Contribution ID: 21072

Member ID:

Date Submitted: Aug 18, 2022, 06:05 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text As a recreational drone flyer within both Banyule & Nillumbik I appose the Need for permit to fly in & over reserves. I always abide by CASA Rulings.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Smiths Gully

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
86

Contribution ID: 21071

Member ID:

Date Submitted: Aug 18, 2022, 12:48 AM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
Long Text Removal of section 19 (f)
- Q3** Any additional comments on the draft Local Law?
Long Text Remove section 19 - f please.
- Q4** First Name
Short Text [REDACTED]
- Q5** Last Name
Short Text [REDACTED]
- Q6** Email
Email
- Q7** Gender
Multi Choice Male
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice
- Q10** Age Group
Select Box
- Q11** Are you? (Tick all that apply)
Multi Choice
- Q12** How did you hear about this consultation?
Multi Choice

Response No:
87

Contribution ID: 21070

Member ID:

Date Submitted: Aug 17, 2022, 11:28 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text Requesting to not enforce a permit for using drones in council areas. CASA has already set safety rules for flying around people as well as in airport vicinities.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
88

Contribution ID: 21069

Member ID:

Date Submitted: Aug 17, 2022, 11:13 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 5. Specific Activities

Q2 Please provide your comments

Long Text Drone activities should not be further limited base on existing federal CASA rules.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
89

Contribution ID: 21068

Member ID:

Date Submitted: Aug 17, 2022, 11:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text I recommend requesting the removal of section 19 (f) pertaining to any requirement of a permit required to operate any drone.

Q3 Any additional comments on the draft Local Law?

Long Text CASA are responsible for safe drone operations

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Eltham

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
90

Contribution ID: 21067

Member ID:

Date Submitted: Aug 17, 2022, 11:05 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text I would like to request the removal of section 19 (f). Local council has no jurisdiction over drones as use of these craft are controlled by the Civil Aviation Safety Authority (CASA) who legislates the airspace and also has laws to protect people on the ground.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box North Warrandyte

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
91

Contribution ID: 21066

Member ID:

Date Submitted: Aug 17, 2022, 10:56 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text

Hi there, I wish to ask that Section 19 (f) regarding the use of drones be removed from the amendments to local law. CASA is the responsible body for drone use and already has strict laws and fines for those that do not comply. These laws include not flying over people, within 30m of people and not causing a hazard. There is no reason for Council to be adding an extra layer of laws to laws that already in existence by the governing body of aviation. I am an Administrator of a large Drone Photography group and we encourage all our members to abide by CASA laws and to be respectful of people using public spaces. Council bringing in their own laws will not stop irresponsible rogue operators when they already disregard CASA laws. If there is any irresponsible drone use this should be reported to CASA and there are substantial fines for breaches of the laws. Council bringing in their own laws will make it impossible for respectful drone operators to practice in empty reserves or even train others how to fly safely and responsibly. We are working hard within the hobby to educate drone flyers and increase respect for drone operators, and respectful use of council reserves often helps us to achieve this. In the last 3 years we've made submissions to many local councils, the last being Mornington Peninsula Shire and all have removed reference to drones when made aware that CASA already has strict laws in place. Please reconsider and remove the unnecessary section. Thank you for your consideration.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Doreen

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
92

Contribution ID: 21065

Member ID:

Date Submitted: Aug 17, 2022, 09:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for 20 years. As a resident and landholder of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorized toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
93

Contribution ID: 21064

Member ID:

Date Submitted: Aug 17, 2022, 04:34 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have resided in the Bend of Islands for 35years. I am a resident and a landowner and I strongly support the inclusion of Clause 67 Restriction on Animals within the Bend of Islands, in Nillumbik general local law 1, with the effect that the keeping of domestic pets or livestock by residents and or visitors, is prohibited. However anyone who legitimately has an existing pet, should be allowed to keep it until it dies or is located elsewhere. I request that the area coverage in clause 67 is made consistent with the current SUZ2 planning scheme area, which is not the same as the Bend of Islands.

I would also like clause 47 to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
94

Contribution ID: 21063

Member ID:

Date Submitted: Aug 17, 2022, 12:46 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your commentsLong Text
I have been a land owner in the Bend of Islands for 51 years and a resident for 45 years. As a long term resident of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies
I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.**Q3** Any additional comments on the draft Local Law?Long Text
I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area**Q4** First NameShort Text
[REDACTED]**Q5** Last NameShort Text
[REDACTED]**Q6** EmailEmail
[REDACTED]**Q7** GenderMulti Choice
Male**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
95

Contribution ID: 21062

Member ID:

Date Submitted: Aug 17, 2022, 10:56 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

As a new land owner and future resident of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies.

This is fundamental to maintain the native flora and fauna of the area which is enjoyed by so many. Such areas are becoming increasingly rare in our part of the world.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
96

Contribution ID: 21060

Member ID:

Date Submitted: Aug 17, 2022, 07:17 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

I have been a member of Round the Bend Cooperative for 15 years. I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies. I believe this unique aspect of Bend of Islands should be protected, the sanctuary it affords our wildlife cannot be overstated. The Bend of Islands is also a model for other communities, showing how they can protect and conserve their indigenous flora and fauna. Current and past Bend of Island residents have fought passionately to have the area protected, I am grateful for the work that residents and Council do to continue to preserve the Bend of Islands and wish to see this work strength and protections continue.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
97

Contribution ID: 21059

Member ID:

Date Submitted: Aug 16, 2022, 05:48 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text I think it is most important that Council has a strict (and enforced) policy that dogs NOT be allowed in this Conservation zone. Scent trails left by dogs are highly disruptive to the wildlife, such as the endangered Brush-tail Phascogale. I have noticed, since moving here over three years ago, that the Council is not enforcing the no dog/cat rule. Without proper enforcement, it becomes a law in name only.
Thank you.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
98

Contribution ID: 21058

Member ID:

Date Submitted: Aug 16, 2022, 03:54 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 6. Animals

Q2 Please provide your commentsLong Text
There is nothing regarding animals being a nuisance on council land only mentions private land.
How do Nillumbik council propose to police nuisance animals, noise etc in public land specifically the new Eltham North dog park that was approved without consultation with affected residents.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Male

Q8 Township

Select Box Eltham North

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
99

Contribution ID: 21057

Member ID:

Date Submitted: Aug 16, 2022, 02:58 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 3. Council Land, Buildings and Reserves
 Part 5. Specific Activities
 Part 7 Land Use and Amenity
 Part 13. Enforcing the local law

Q2 Please provide your comments

Long Text

Part 3. Concern regarding delayed rectification works to Ryder's Flat Reserve, Arthur's Creek. Water is still pooling over the Oval, flooding over the bitumen path, waterlogging the playground amenities and rendering the agricultural style toilet less effective.

Part 5 and 7: The increasing usage of recreational motorbikes on smaller acreages creates severe noise disruption and damages the environment, water dispersion and aids soil degradation. Some owners have constructed specific tracks, jumps and hold regular meetings of friends who bring their bikes into the area to ride. The noise and dust pollution (in summer months) does not align with many community expectations and aggravates physical and emotional health issues.

Also hoon and speeding traffic concerns. The increasing use of Greens Road and Arthur's Creek Road as a bypass from northern to eastern suburbs is causing the road surfaces to deteriorate rapidly and making the walking exercise which many local residents pursue daily to be an extremely dangerous activity

Q3 Any additional comments on the draft Local Law?

Long Text

I expect that our confidentiality will be respected.
 Willing to discuss these issues with Council Officers at any time.

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Arthurs Creek

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
100

Contribution ID: 21056

Member ID:

Date Submitted: Aug 16, 2022, 02:37 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

My wife and i have lived in the bend of islands for 30 years,we are against people bringing dogs,cats,horses,goats,pigs,deer into our area as pets or commercial businesses. It has a distructive influence on community fabric and wildlife freedom to roam thru unfenced properties.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
101

Contribution ID: 21055

Member ID:

Date Submitted: Aug 16, 2022, 02:09 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that applyMulti Choice
Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your commentsLong Text
I have lived in the Bend of Islands for 30 years. As a landowner of the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1. This will mean that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies
I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.**Q3** Any additional comments on the draft Local Law?Long Text
I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.**Q4** First NameShort Text
[REDACTED]**Q5** Last NameShort Text
[REDACTED]**Q6** EmailEmail
[REDACTED]**Q7** GenderMulti Choice
Male**Q8** TownshipSelect Box
Bend of Islands**Q9** Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
102

Contribution ID: 21054

Member ID:

Date Submitted: Aug 16, 2022, 01:42 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

We are land holders on 3 titles ...we supplied written & photo submissions (cat photos prowling our bird baths) & support the ban fully to prohibit cats & dogs from Bend Of Islands & Oxley Roads as past of the Special Use zoning

Q3 Any additional comments on the draft Local Law?

Long Text

We also do want toy motorised vehicles banned from the area, under Clause 47.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Prefer to self-describe: male & female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
103

Contribution ID: 21053

Member ID:

Date Submitted: Aug 16, 2022, 01:36 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 10. Bend of Islands

Q2 Please provide your comments

Long Text

I think it is so sad that I can't have a pet dog in the Bend of Islands .
It's also very annoying that everyday I pass others that can have a dog walking their dogs while I can't.
I can't see how having a dog on a lead is in anyway bad for the environment.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4	First Name
----	------------

Short Text

Q5	Last Name
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

Short Text

Q6 **Email**

Email

Q7 Gender

Multi Choice

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 **Age Group**

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
104

Contribution ID: 21052

Member ID:

Date Submitted: Aug 16, 2022, 12:46 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments


Long Text

I have lived in the Bend of Islands for 19 years. As a resident and landowner in the Bend of Islands, I strongly support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited, but anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Thank you


Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text


Q5 Last Name

Short Text


Q6 Email

Email


Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
105

Contribution ID: 21051

Member ID:

Date Submitted: Aug 16, 2022, 12:36 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I strongly support inclusion of clause 67 on the restriction of animals in Bend of Islands.
I am a resident of the Bend since 2000 and exclusion of animals has worked perfectly.
Any person wishing to reside in the Bend should be aware and uphold the local law.
I would also include Oxley Rd in the SUZ2.**Q3** Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
106

Contribution ID: 21050

Member ID:

Date Submitted: Aug 16, 2022, 12:10 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

Our family have lived and owned property in the bend Of Islands for 31 years. The SUZ2 area is like a small island of protection for the native flora and wildlife. Because of the ban on domestic pets and livestock (except chickens), we are able to wonder at our beautiful Australian animals in their own habitat. If alien animals are allowed, our wonderful diversity will be destroyed like everywhere else.

To this end, we strongly support clause 67 re the restriction of animals in the Bend Of Islands in Nillumbik general local law 1. We would like to see the continuation of the prohibition of domestic pets and livestock (except chickens) until existing pets die.

We request that clause 67 covers all SUZ2 area, not just the Bend Of Islands.

We would also like clause 47 to rule out permits for motorised toys in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

I make this submission on behalf of myself , [REDACTED]

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
107

Contribution ID: 21049

Member ID:

Date Submitted: Aug 16, 2022, 11:58 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for 15 years as a resident and another 10 years as a landowner of the Bend of Islands. I DO NOT support the inclusion of Clause 67 Restriction on animals within Bend of Islands in Nillumbik General to be come a Local Law 1. I don't think it should be a law to enforce the keeping of domestic pets by residents and or/visitors. But kept it as a regulation not to have domestic pets or have visitors visit with domestic animals (for example if my elderly mother visits with her small dog and only keeps it inside - she would be breaking the law if this law passes) I believe everyone who lives in the Bend of Islands respects this Clause 67 without making it Law. It doesn't seem an issue that needs addressing. I do support to prohibited livestock as a local law.

Anyone who legitimately has an existing pet, will be allowed to keep the pet until it dies. I do support that these properties that have been exempt shouldn't be able to get another pet. Service animals are allowed.

I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not the same as the Bend of Islands area.

I would also like Clause (47) to rule out the granting of any permit for a motorised toy vehicle in the SUZ2 area.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
108

Contribution ID: 21048

Member ID:

Date Submitted: Aug 13, 2022, 11:38 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 3. Council Land, Buildings and Reserves

Q2 Please provide your comments

Long Text Clause 19 f) should reflect the fact that drones are already strictly controlled (for safety and other reasons) by CASA and be changed to state "should only be used in a manner that does not interfere with the use or enjoyment of the Council reserve by any other person;" similar to clause 19 a) (iii).

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
109

Contribution ID: 21047

Member ID:

Date Submitted: Aug 12, 2022, 10:23 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 7 Land Use and Amenity
Part 10. Bend of Islands**Q2** Please provide your comments

Long Text

I have lived in the Bend of Islands for more than 25 years and I really love the area which is preserved by the environmental controls. I completely support having clause 67. Restriction on animals within Bend of Islands in Nillumbik General Local Law 1, but I am concerned that the current area covered by the Planning Scheme is not the same as the Bend of Islands. I request that the current area covered by SUZ2 is covered by this local law. I therefore request the following changes relating to this Local Law and the Procedure and Protocol Manual: -

Nillumbik General Local Law 1 - clause 67. Restriction on animals within Bend of Islands

The area definitions in Clause (6) should to be amended to: -

Delete the area definition of the Bend of Islands, including Schedule 2, as this is not relevant to the Local Law.

Revise the definition of Land to: -

Land means any land that is within or partly within the boundary of the Schedule 2 to the Special Use Zone (SUZ2) – Environmental Living – Bend of Islands

Nillumbik General Local Law 1 - Procedure and Protocol Manual' for Clause 67 of LL1, Restriction on animals within Bend of Islands

Amend the Purposes of the Clause to refer to the area of the Special Use Zone in Nillumbik, rather than the area of the Bend of islands

Nillumbik General Local Law 1 - Procedure and Protocol Manual for Clause 47 of LL1

Use of recreational vehicles

I also want to keep the current situation with recreational vehicles. The use of recreational and motorised toy vehicles is not appropriate on any land in Bend of Islands.

An additional clause should be added to the Criteria for issuing permits, to rule out the granting of any permit for a motorised toy vehicle in SUZ2.

Q3 Any additional comments on the draft Local Law?

Long Text

Thanks you for proposing the local law for the Bend of Islands.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Female

Q8 Township

Select Box

Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11

Multi Choice

Q12

Multi Choice

Are you? (Tick all that apply)

How did you hear about this consultation?

Response No:
110

Contribution ID: 21046

Member ID:

Date Submitted: Aug 11, 2022, 01:54 PM

- Q1** On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply
Multi Choice Part 3. Council Land, Buildings and Reserves
- Q2** Please provide your comments
Long Text Please extend the 343 Hurstbridge bus to operate on weekends and to service Cottles Bridge, Pantton Hill and St Andrews.
- Q3** Any additional comments on the draft Local Law?
Long Text Please extend the 343 Hurstbridge bus to operate on weekends and to service Cottles Bridge, Pantton Hill and St Andrews.
- Q4** First Name
Short Text No
- Q5** Last Name
Short Text Thank
- Q6** Email
Email [REDACTED]
- Q7** Gender
Multi Choice Prefer not to say
- Q8** Township
Select Box
- Q9** Relationship to Nillumbik
Multi Choice
- Q10** Age Group
Select Box
- Q11** Are you? (Tick all that apply)
Multi Choice
- Q12** How did you hear about this consultation?
Multi Choice

Response No:
111

Contribution ID: 21044

Member ID:

Date Submitted: Aug 09, 2022, 11:51 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

Cats to be contained 24/7 rather than just overnight. Penalties for owners of dogs offlead who cannot demonstrate effective control or whose dogs are offlead in suburban streets.

Q3 Any additional comments on the draft Local Law?

Long Text

Greater protection for native trees, we moved two years ago and have seen more mature natives trees removed than native trees planted by neighbours

Q4 First Name

Short Text

[REDACTED]

Q5 Last Name

Short Text

[REDACTED]

Q6 Email

Email

[REDACTED]

Q7 Gender

Multi Choice

Prefer not to say

Q8 Township

Select Box

Eltham

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
112

Contribution ID: 21043

Member ID:

Date Submitted: Aug 08, 2022, 08:46 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 7 Land Use and Amenity

Q2 Please provide your comments

Long Text

Tre tree protection controls proposed are very restrictive compared with other municipalities and will require at least 3-4 additional staff to police and follow up. In addition, given the fire prone nature of the area, people may not react well to this level of control. Also, you could find that these controls restrict the removal of weed species, hardly environmentally friendly. There needs to be some exemptions for proximity to buildings, tree health and tree species. Girth of 1m would be a better starting point and you should also list girth of stump at ground level for when your compliance officer gets there too late. You also need to be clear how this interacts with the BPA and BMO. 'Interfere with' is a very uncertain term. What about pruning to Australian Standards? People will avoid planting if legislation I ke this is in place.

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Prefer not to say

Q8 Township

Select Box Diamond Creek

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
113

Contribution ID: 21015

Member ID:

Date Submitted: Aug 05, 2022, 06:06 PM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice

Part 6. Animals
Part 7 Land Use and Amenity**Q2** Please provide your comments

Long Text

Part 6 30 (2), (3) and (4).
Removing horse manure from a permitted horse trail or possibly road appears to fall within the scope of this law. This is not a practical proposition when trail riding. It could be moved to the side of the trail (on to grass/vegetation for example), but it is impossible to carry an adequate scoop, scraper and container to take horse manure away whilst riding.

Part 6 (34) (1) The Feeding of wild birds clause should clarify that it is the feeding of wild birds (last word of (1)) that is prohibited, not any bird (which is what it currently says and would include poultry).

Part 7 What happened to the proposed law to prevent private property being used as a dumping ground for excessive numbers of vehicles? That was a sensible idea.

Part 7 (52). There is no clarity as to how the local law relates to existing shipping containers. Will existing containers be audited? Are they included in this rule? How will Council effectively enforce this law if existing containers are exempt? Perhaps all containers should require a permit?

Q3 Any additional comments on the draft Local Law?

Long Text

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice

Male

Q8 Township

Select Box

Smiths Gully

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

Response No:
114

Contribution ID: 20992

Member ID:

Date Submitted: Aug 03, 2022, 09:35 AM

Q1 On which areas of the Draft Nillumbik General Local Law would you like to provide feedback? Tick all that apply

Multi Choice Part 10. Bend of Islands

Q2 Please provide your comments

Long Text This proposed local law, can not and should not try to replace existing state planning laws on the use of non conforming rights awarded to existing land owners. To try and do so will result in unnecessary legal challenges to the council, and a wanton misuse of ratepayer funds.

Q3 Any additional comments on the draft Local Law?

Long Text This proposal is totally unnecessary and not a true reflection of the submissions to the council from residents that this effects.

Q4 First Name

Short Text

Q5 Last Name

Short Text

Q6 Email

Email

Q7 Gender

Multi Choice Female

Q8 Township

Select Box Bend of Islands

Q9 Relationship to Nillumbik

Multi Choice

Q10 Age Group

Select Box

Q11 Are you? (Tick all that apply)

Multi Choice

Q12 How did you hear about this consultation?

Multi Choice

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

Hi,

Please find feedback below for draft Local Law:

Definitions

‘advertising sign’ – would suggest specifically stating political signage also.

‘Council recycling centre’ means the Council recycling centre. – this doesn’t explain it so should be removed or have an explanation provided.

‘Council reserve’ – appears to have been copied from an old document. Formatting needs to be fixed.

No definition provided for ‘Derelict vehicle’.

No definition of ‘Incinerator’.

‘Litter Device’ means a device an apparatus designed for the purpose of removing animal excrement and includes a plastic bag. – guessing this was meant to be “or”?

‘liquor’ means a beverage intended for human consumption with an alcoholic content greater than 0.5 per centum by volume at a temperature of 20 degrees Celsius. – someone being smart could argue this only applied when the actual temperature for the day is exactly 20 degrees otherwise the definition doesn’t apply.

No definition provided for ‘Nuisance’.

‘occupier’ – in either this definition or a new one I’d suggest specifically stating body corporates and shared land for the sake of unsightly properties or overhanging vegetation.

No definition of ‘Person’.

There’s no definition for what’s considered ‘Unsightly’ under this Local Law.

Part 3

Sections 16, 18, 19 appear to have been copied from an old version somewhere. Needs the formatting fixed.

Part 4

Section 20(5) appears to have been copied. Formatting needs to be fixed.

Part 5

Section 24(3) appears to have been copied. Formatting needs to be fixed.

Section 27(4) appears to have been copied. Formatting needs to be fixed.

Part 6

Section 31(2) appears to have been copied. Formatting needs to be fixed.

Section 32(4) & (5) appear to have been copied. Formatting needs to be fixed.

Section 35(3) - appears to have been copied. Formatting needs to be fixed.

Part 7

Section 37(1) - appears to have been copied. Formatting needs to be fixed.

Section 38(1) - appears to have been copied. Formatting needs to be fixed. Also, what's unsightly? Can't just be whatever the officer says it is. Needs a definition.

Section 40 - appears to have been copied. Formatting needs to be fixed.

Section 41(2) - appears to have been copied. Formatting needs to be fixed.

Section 42 - appears to have been copied. Formatting needs to be fixed.

Section 44(2) - appears to have been copied. Formatting needs to be fixed.

Section 45(2) - appears to have been copied. Formatting needs to be fixed.

Sections 48 & 49 - appear to have been copied. Formatting needs to be fixed.

Section 50(3) - appears to have been copied. Formatting needs to be fixed.

Section 55 - appears to have been copied. Formatting needs to be fixed.

Part 8

Section 54(1) - appears to have been copied. Formatting needs to be fixed.

Section 55(3) & (6) & (7) & (8) - appear to have been copied. Formatting needs to be fixed.

Section 55 - appears to have been copied. Formatting needs to be fixed.

Part 9

Section 59 - appears to have been copied. Formatting needs to be fixed.

Section 60 - appears to have been copied. Formatting needs to be fixed.

Section 62 - appears to have been copied. Formatting needs to be fixed.

Section 63 - appears to have been copied. Formatting needs to be fixed.

Section 64(2) - appears to have been copied. Formatting needs to be fixed.

Section 65(1) - appears to have been copied. Formatting needs to be fixed.

Part 10

Section 67(3) & (5) - appear to have been copied. Formatting needs to be fixed.

Part 11

Section 70 - appears to have been copied. Formatting needs to be fixed.

Section 71(3) - appears to have been copied. Formatting needs to be fixed.

Section 72(2) & (4) - appear to have been copied. Formatting needs to be fixed.

Section 73 - appears to have been copied. Formatting needs to be fixed.

Part 12

Section 75 - appears to have been copied. Formatting needs to be fixed.

Section 76 - appears to have been copied. Formatting needs to be fixed.

Section 77 - appears to have been copied. Formatting needs to be fixed.

Section 80 - appears to have been copied. Formatting needs to be fixed.

Section 81 - appears to have been copied. Formatting needs to be fixed.

Section 82 - appears to have been copied. Formatting needs to be fixed.

Section 83(4) - appears to have been copied. Formatting needs to be fixed. Would also suggest reducing the reclaim time to 14 days to reduce storage issues.

There appears to be a clause missing for derelict vehicles?

Is there no penalty table?

Kind regards,

A small black rectangular redaction mark covering the signature.

SUBMISSION - [REDACTED]

Hello There,

After attending one of the feedback sessions with Heath, I thought I had better expand on the short survey response that I had provided earlier on the proposed tree protection inclusion in the local law and also flag that I would like to speak to issue at a Council meeting if possible.

Below are some points for consideration:

- The vast majority of Nillumbik will not be impacted by this local law because of the Bushfire Prone Areas and the Bushfire Management Overlay. Those people who may be advocating for it who may not be impacted by it may not have given it due consideration
- Nillumbik has well over the 30% canopy cover targets identified by the Living Melbourne study as being ideal for urban areas, the local law is not needed
- Tree protection controls require significant staff time to administer and raise an expectation among the community that staff members will police any tree removals. As Nillumbik already has a healthy canopy cover, I question the extra burden on staff.
- The requirement of an arborist report to apply for a permit imposes a cost burden on residents who are already planting great trees. At \$600-700 plus the application fee before the cost of tree removal, residents may resent this imposition given that Nillumbik already has healthy canopy cover.
- The cost of the permit application will deter people from removing weed species such as *Pinus radiata* which will negatively impact the biodiversity values of Nillumbik.
- The planning process is better positioned than the local law system to influence canopy cover on development sites.
- It is unlikely than any applications to remove trees that are weed species or that are within close proximity to the home would be refused so exemptions should be built in to any broad-stroke tree controls to encourage sensible, proactive tree management.

I am happy to speak to these points if that would be helpful

Regards,

[REDACTED]

Hello

My name is [REDACTED]

I am a CASA licenced drone pilot who flies both recreationally and commercially. I have over 300 hrs air time operating Remote Piloted Aircraft (RPAs)

I would recommend the removal of section 19 (f) of the proposed draft laws .

All Drones come under the legal definition of aircraft and as such, come under the jurisdiction of CASA. Under Federal law, councils do not have authority to over-ride these laws, or introduce regulations controlling aircraft movement, including taking off, flying or landing.

Within the last 3 months, Mornington shire council proposed similar restrictions on drone flying, but removed those proposals on realising the difficulty of imposing restrictions, and also of successfully prosecuting non compliance cases in court:

I attach the following email I recently received from the councils Senior Legal Counsel, for your information:

"We thank you for the thorough submissions.

We have removed all references of 'remote control aircraft' or drones in the proposed local law.

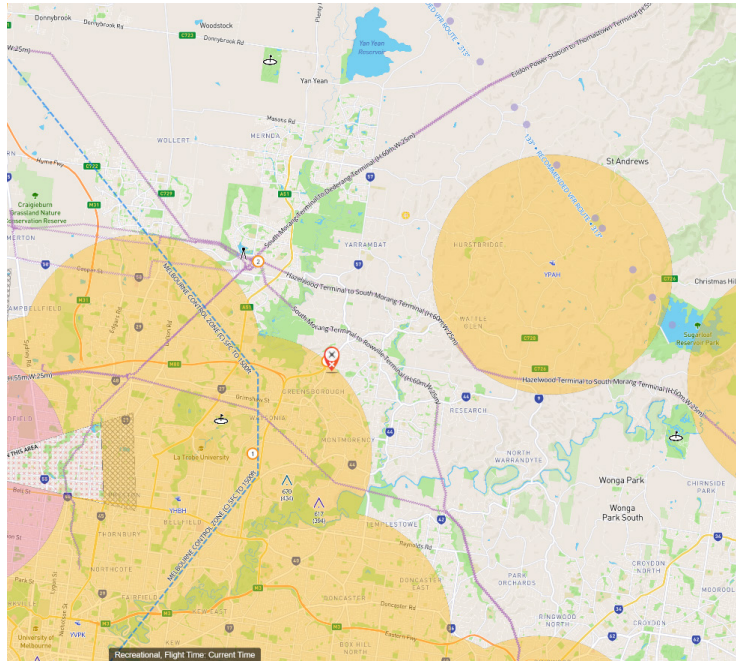
Regards

Gustav Cook. Senior Legal Counsel - Prosecution "

Legal advice from an expert Aviation lawyer who has many years experience in both commercial airliner flying and drone flying has indicated that there has never been a successful case brought by a local council against a recreational or commercial drone flyer flying from council land anywhere in Australia. He advises this is because **councils have no Authority when it comes to flying operations, including landing and taking off. Such authority lies solely in the hands of the federal government through CASA.** His experience indicates councils creating such rules do so with no legal standing or chance of winning a case in court. In the case of incidences relating to accidents or on infringement of CASA regulations, councils have no power except to refer the incident to CASA.

CASA designation for the Nillumbik Shire flying control area:

Please see the following screenshot of the designation of the Nillumbik Shire Council area flying restrictions from the CASA approved OK2 fly Pilot safe flying app:



Airspace designations on the CASA recommended OK2 fly map

Areas marked with crosses (XXXX) such as Essenden are no flight without CASA approval (only available to licenced pilots)

Circular areas marked in red are **restricted** areas. You cannot fly in these areas during posted flying hours without getting permission from the controlling authority, for example Essenden Airport. Flying outside posted flying hours is permitted. Council cannot create these areas.

Circular areas marked in orange are ok to fly, but you must land if there is an aircraft nearby. Council cannot create restrictions in these areas or modify CASA restrictions in these areas.

Unmarked areas are designated by CASA as unrestricted flying areas. Note, these are CASA enforceable zones, not council.

There are no prohibited airspaces anywhere in Australia. I.e There is nowhere in Australia that has been designated by CASA (the Federal government) as a Prohibited (no fly area). CASA are the **ONLY** body that can set prohibited airspace and prohibited landing / takeoff areas. Even Military bases must go through CASA to create flying restrictions.

Drones are part of Victorias future.

I would also like to draw your attention to the following document which was released by CASA within the last month (Thursday 7 July 2022). These form a roadmap outlining the importance of Drones in Australias current and future economy:

AAUS: RPAS in Australian skies 2022 conference | Civil Aviation Safety Authority ([casa.gov.au](https://www.casa.gov.au))
<<https://www.casa.gov.au/aaus-rpas-australian-skies-2022-conference>>

and

The RPAS and AAM Strategic Regulatory Roadmap | Civil Aviation Safety Authority ([casa.gov.au](https://www.casa.gov.au)) <<https://www.casa.gov.au/rpas-aam-roadmap>>

To quote CASA from one of the attached documents :

"We work with local government, associations and businesses to spread the message about unwanted incursions while targeting peak drone-buying times such as Christmas. Campaigns in Alice Springs, Newcastle and the Gold Coast and we know the campaigns are having a positive impact.

In this case, we have asked the City of Sydney to help with a targeted safety education campaign involving drone safety signage and using local media and tourism centres - as well as community and industry groups."

Another quote from the CASA documents:

"Know Your Drone

Our name gives it away, but aviation safety is a key issue for CASA and the explosion of drones for recreational use means a lot of inexperienced people now have access to the skies.

Launched in December 2019, CASA's successful Know Your Drone campaign has been emphasising the essential rules of using a recreational drone. Things like - staying below 400ft, keeping the drone within line of sight and staying at least 30 metres away from other people.

Retail engagement, interactive quizzes and even giant light projections on buildings have been used to drive home the message in what has been a multi award-winning campaign.

Now the campaign has moved into schools with students across Australia getting a chance to build their skills as next-generation pilots.

Children represent a growing proportion of the record number of Australians buying and flying drones for fun and recreation.

The new resources are designed to help these modern-day aviators develop a safe flying culture as they hone their skills in one of Australia's fastest-growing technologies.

Education of the Drone Flying Public. Quote from CASA documentation:

"CASA has partnered with youth education specialists to develop a range of materials promoting drone safety aligned to the Australian curriculum.

As a vital complement to safety, we see education and safety promotion as important parts of our remit.

Drones offer an innovative opportunity to inspire students to develop their science, technology, engineering, and mathematics skills in a fun and engaging way.

We believe the classroom resources challenge creative thinking and problem solving among students as they develop a safe flying culture in schools. This campaign is already emerging as another

success: there were more than 500 downloads of the classroom resources in the first 16 days of the schools' campaign.

We've also had some great feedback from teachers, and endorsements on social media.

The campaign launch attracted media attention from outlets ranging from specialist education magazines to the ABC's Radio National. And we've recently been approached by the NSW Department of Education to do an episode of a children's television show. "

Drone safety programme targeting schools:

[Classroom resources | Civil Aviation Safety Authority \(casa.gov.au\)](#)

People want to fly drones AND they want to do it within the regulations. Education of the drone buying and flying public is the way forward, not restricting their flying.

In addition,

- 1 There are already a considerable number of CASA regulations which cover both recreational and commercial drone flying. Please see the following:

[Know Your Drone | Civil Aviation Safety Authority \(casa.gov.au\)](#)

- 2 CASA has estimated that the \$ value to the economy of drone will in the next 6-7 years grow to be at least \$8Bn. This includes Tourism, real estate, geology, forestry, agriculture, search and rescue equipment and much more.

- 3 Drones are now being taught in primary schools, High schools, TAFE, University, Aviation schools, Military training establishments and more.

- 4 Parks Victoria senior management have recently found that their "no drones policy" is in fact based on the "belief" that they could have such a policy and that this policy has always existed. They have recently discovered this is not the case. Parks Victoria has for many years had areas where drone flying is permitted, without the knowledge of senior management. They are now looking at making their regulations more inclusive and better known within their own organisation.

- 5 May I suggest a better approach to drones would be to embrace them and to ensure that local laws officers are trained in the acceptable use and safe flying of drones as already outlined by many CASA regulations. These are linked below:

[Drone rules | Civil Aviation Safety Authority \(casa.gov.au\)](#)

If the council wishes to set aside specifically sensitive areas, perhaps an example to follow would be that of Philip Island Nature Parks who have worked with CASA to create what is known as a "Fly Neighbourly" advisory for drone and all other aircraft pilots. Please see:

[Created by My AIP www.myaip.com.au \(penguins.org.au\)](#)

I would also briefly like to point out that not all drones are the same:

An example of a cheap (toy) drone:

- No GPS functions for safe flying
- No battery failsafe return to home function
- No controller loss of signal return to home failsafe
- No maximum distance or altitude setting function
- No obstacle (people or objects anti collision) function
- No Geofencing (location no fly) function
- No requirement to automatically log each flight to a central manufacturers database. No login = no fly beyond 30 metres
- No monitoring of motor, drone and battery airworthiness function
- No built- in, encrypted black box flight recording function.
- No low battery, return to home now function
- Poor capability in wind
- No ability to fit propellor safety cages

A more expensive drone

- Highly accurate GPS and visual positioning systems functions for safe flying
- Battery failsafe return to home function
- Controller loss of signal return to home failsafe
- Maximum distance and altitude setting function
- Obstacle (people or objects anti collision) function
- Advanced ADS-B nearby aircraft detection and RPA pilot warning
- Geofencing (location no fly) function
- On the spot accessible flight record viewing with full map and pilot / drone location function
- In-flight aircraft systems malfunction detection and pilot warning
- Regularly updated internal no fly database
- Requirement to automatically log each flight to a central manufacturers database. No login = no fly beyond 30 metres
- In-flight monitoring of motor, drone and battery airworthiness function
- Built- in, encrypted black box flight recording function.
- Low battery, return to home now function
- Excellent capability in wind
- Ability to fit propellor safety cages
- Critical error forced landing (with pilot control available) function
- Night-time or low light “don’t fly” sensors
- And more

As can be seen from the above, there is a vast difference between drones, with even sub \$1000 drones offering sophisticated safety and other functions. I and I am sure many other both licenced and experienced non licenced pilots, would be more than happy to work with the council to ensure safe drone flying by both recreational and commercial flyers, and with local laws officers in both the practical and safety aspects of drone flying. I would certainly be willing to host a local laws officer drone flying training day.

We all treasure our environment and quiet areas, including our time at home and out with our families. Most knowledgeable and serious drone fliers respect all the relevant CASA guidelines on flying. Most issues are created by first time flyers or people who are not aware of the existing severe penalties for regulation infringement. I believe a positive step forward for the council (and a legally non problematic one) would be for council to embrace the industry and help us to teach the public on acceptable drone useage. I personally have never had any issue with flying my drones in public places. I respect peoples privacy, always fly in non populated areas and away from groups of people, and always answer questions when answered. My interactions with people have always been very positive. I do not hide my activities and fly in open view of everyone, but even so, most of the time, people are not even aware I am flying, or they wave and smile. This includes flying in the Nillumbik Area



CASA Licenced RPA pilot
CASA Certified Aviation Radio Operator

SUBMISSION 4 - [REDACTED]

Submission for SUZ2

I have lived in the Bend of Islands for 45 years, having built our home and raised a family. I have been an active member of our community and have become very aware of the value of the controls that SUZ2 have over our area. The limitation of cats and dogs especially. As a result I strongly support the inclusion of Clause 67 Restrictions on animals within the Bend of Islands in Nillumbik General Law 1. This will prohibit domestic pets and livestock to be kept by residents. However anyone who presently has a legitimate pet should be able to enjoy same until it dies. These pet would not be able to be replaced.. This clause will ensure that the Bol will eventually become cat and dog free -apart from feral animals which we are ever vigilant in eradicating.

.
Also I request that the area of coverage in Clause 67 is made consistent with the current SUZ2 Planning Scheme area, which is not same as the Bend of Islands area. It should all line up to avoid confusion.

In order to mitigate adverse effects on the local fauna and flora,, I think is is important to prohibit motorised toy vehicles in the zone. Therefore I would like Clause (47) to rule out the granting of any permits for a motorised toy vehicle in the SUZ2 area.

Your Sincerely

[REDACTED]

[REDACTED]

Local Law Review Team (Community Safety)
Nillumbik Shire Council
Civic Drive
(PO Box 476)
GREENSBOROUGH VIC 3088

24 August 2022

Online written Submission

Dear Local Law Review Team,

Re: **Proposed Nillumbik General Local Law 1**

I wish to make a formal written submission to request that **Clause 19(f) operate, allow to be operated, any drone** be removed from proposed Nillumbik General Local Law 1.

This request is based on the following:

The Civil Aviation Safety Authority (CASA) is the Federal Statutory Authority for drones/ remote control aircraft.

CASA is the Federal Statutory Authority for air space and air safety. CASA already have drone rules and regulations in place that are designed to protect other people both in the air and on the ground. These can be found at <https://droneflyer.gov.au>.

For your information Commercial Drone operators already need to be registered with CASA, and from 1 July 2023 recreational drone operators will also need to register their drones with CASA. I note that currently only commercial drone operators require a filming permit from Council and wonder why the need to now bring in a permit requirement for any drone?

Councils actually have no statutory authority to control who flies in the airspace over Council-managed land as the airspace is governed by CASA.

There are also CASA approved apps and websites which drone users use to show Australian drone flyers where they can and can't legally fly their drone. As an example the app OpenSky highlights controlled airports, helicopter landing areas, restricted airspace, danger areas, and includes the drone standard operating conditions. You might also like to have a look at www.ok2fly.com.au which is a web based site approved by CASA which also shows drone users where they can and can't legally fly their drones recreationally.

Unsafe drone activities can also be reported through CASA's website, therefore negating the need for Council to be involved with monitoring drone activity or checking on whether drone operators have obtained a permit.

There should not be more than one statutory authority making different rules for drone use as it just becomes too confusing, and it then becomes a matter of which statutory body has the statutory authority over the other. As you are aware, Guidelines for Local Laws state that Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the Community. In this instance as suggested above CASA is the Federal Statutory Authority for aircraft and airspace in Australia with regulations already in place.

CASA's rules state that a person cannot fly in a populous area or in a hazardous manner or within 30 metres of another person measured horizontally. Therefore Council does not have to regulate drones for the protection of the public as CASA already has this covered.

The other thing to consider is how would any ordinary person have 'reasonable knowledge' that such a local law with a permit requirement existed? I imagine Council would have to spend a considerable amount of money to erect signage, however this is totally unnecessary as CASA already have in place rules and regulations that drone operators need to abide by.

Drone operation is also weather dependent, so it is unreasonable to expect a drone operator to apply for a permit for a particular time and date given the unpredictability of the weather. Such a process would need to be streamlined, but how could a person who visits your region on the weekend, be able to apply for a permit on the day if they wanted to fly their drone merely to take an aerial photo? The harder Councils make something, the more people will just take the risk of getting caught and fly anyway, which is hardly the desired outcome for Council. Education is the key and there is a lot of misconception (I blame the media) in the community that drones are merely a spying device. This is not the case, it's just aerial photography or work!

The other thing to consider is that drones are merely another form of photography, a flying camera if you will. If a person can freely take photos with their smart phone or camera without the need for a permit, is it not discriminatory that a drone camera needs a permit?

Other Councils

The same proposal was put to my local Council, the City of Casey, when they tried to implement a permit system for drone use back in 2018. They in turn removed all reference to drones from their local laws. Most Councils are now following suit and removing all reference to drones or remote control aircraft from their local laws citing CASA as the relevant statutory authority. I set out a few recent examples for your information:

Mornington Peninsula Shire Council (August 2022)

"We have removed all references of 'remote control aircraft' or drones in the proposed local law."

Ararat (May 2022):

"Having considered the feedback opposing clause 59 (Operation of Model Aircraft) in the document that was on exhibition, and considered legal advice relating to its operation, officers removed this clause from the proposed Local Law and recommended Council not pursue it any further."

Indigo Shire Council (May 2022)

"You will be pleased to know that Clause 45.1, as it appears in the local law 2 document on our website has been removed from our latest draft of Local Law 2, due to the subject matter being covered under the Civil Aviation Safety Authority, along with all references to 'flown' devices."

Bass Coast (June 2022):

"Use of toy vehicles (s.46) - revised to better address nuisance, intimidating, obstructing damaging or unsafe behaviour in a municipal place. Does not include provisions around drones, this is heavily regulated by the Civil Aviation Safety Regulations 1998(Cth)(Aviation Regulations)."

Other Councils to remove reference to drones from proposed new local laws (citing CASA as the relevant Statutory Authority) include Ballarat Council (2018), Knox City Council, Surf Coast Shire Council, Pyrenees Council (2019), Boroondara (2019), Strathbogie (2020) and Queenscliff (2020).

Disabilities

The other thing to consider is people with disabilities. Drones support a positive user experience for the disabled as they are able to see areas they otherwise cannot get to or experience for themselves. I myself have a daughter with cerebral palsy who uses a wheelchair and is restricted in a lot of places that aren't accessible. With a drone we can see places that we are otherwise restricted to, and we are not missing out on what everyone else can access and see. Council should be seen as all inclusive. Section 12 Freedom of Movement of the Charter of Human Rights and Responsibilities also needs to be taken into consideration.

Other Considerations

Drone use is now being taught in schools thanks to CASAs extensive educational campaign.

Drone Technology

In Australia the use of Drones and their technology are increasingly being used for a wide range of industries including things like agriculture, thermal imaging, surf life saving, emergency services, land surveying and mapping, bushfire detection, tree monitoring, pest and animal inspections and animal rescue just to name a few. Council should not be hindering such advancement in the technology and the future.

Council may be interested in CASAs draft Roadmap which has just recently been open for discussion. This indicates CASAs future proposals for unmanned traffic management <https://consultation.casa.gov.au/stakeholder-engagement-group/rpas-and-aam-roadmap-consultation/>

Tourism

The bonus of aerial (drone) photography, particularly on social media, is that it freely advertises your area thus encouraging tourism.

I hope you will take all of the above into consideration and again request that Council's proposed Clause 19(f) be removed and that Council rely on CASA being the Statutory Authority responsible for the regulation of drones/remote control aircraft.

By way of information, I am a recreational drone flyer and commercial operator (operating in the excluded category whereby a Remote Pilot Licence [RePL] is not necessary) and it is extremely frustrating when there are so many different authorities ie Local Governments, Parks Victoria, Melbourne Water, etc, trying to govern drones separately when we know CASA is the governing Statutory Authority with rules already in place.

As a new drone owner, all people are told about is CASA rules and that you have to check the air space on a CASA approved app. There is very little information given that land stakeholders may also have drone rules which are hidden somewhere in their legislation. This has the potential of people inadvertently doing the wrong thing which is not the desired outcome.

Drone operators in general want to do the right thing, but there is just too much "research" to be done and most new drone flyers are unaware that they need to even consider Council regulations outside of CASA. It is totally unnecessary for individual Councils to have their own set of rules (outside of CASA) which most of the general public would be unaware of, especially visitors to your area.

I thank you for your consideration of the above, and would be more than happy to discuss this issue further with you if required.

Kind Regards

A black rectangular redaction box covering the signature area.

Submission to Nillumbik Shire Council on the Draft Nillumbik General Local Law 1

Dear Madam / Sir,

My name is [REDACTED] and I am part of the administration team of the **Victorian Drone Flyers** Facebook group. We are a state-wide group, with just over 5100 members and we encourage the safe and legal flying of drones. Our members include both aerial and ground-based photographers, people looking at purchasing a drone and members who have an appreciation for photography and videography. I'm a recreational drone owner, and CASA Remote Pilot Licence (RePL) holder i.e., licenced drone pilot, and it is with great concern that Council proposes to introduce a permit requirement to operate a drone in or on a Council reserve.

I am making a formal written submission for the removal of the **Clause 19 (f)** from the proposed **Nillumbik Shire Council Proposed Nillumbik General Local Law 1**

For ease of reading, I will provide screenshots where possible as well as links to support this submission.

Definition:

'Council reserve' means **Council Land** within the **municipal district** that is:

- (a) a sports ground; and
- (b) a park; and
- (c) a nature reservation; and
- (d) a facility provided or used in association with activities at a sporting ground, park or nature reservation; and
- (e) a place specified in the Procedure and Protocol Manual; and
- (f) a reserve, as declared by resolution of the Council; and
- (g) purchased by, leased or otherwise provided to or managed or controlled by Council for a recreation, cultural or entertainment purpose.

Proposed local law:

19. Activities which may be permitted in a Council reserve

A person must not, without a permit, in or on a Council reserve:

- (a) ride or drive a **vehicle** or horse except for -
 - (i) parking a **vehicle** in an area specified for the parking of **vehicles**;
 - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
 - (iii) riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the **Council reserve** by any other person;
 - (iv) on a **road** or bicycle path;
- (b) light a fire or allow any fire to remain alight except in a barbecue provided by the **Council**;
- (c) pitch, erect or occupy any camp, tent, caravan, mobile dwelling or any other temporary structure or camp in a **motor vehicle**;
- (d) hold a circus, carnival, festival, fete, or other event intended for members of the public to attend;
- (e) operate any device that has a purpose of amplifying voice, music or other noise;
- (f) **operate, allow to be operated, any drone;**
- (g) conduct a commercial fitness, exercise or personal training business;
- (h) use the Council reserve for a commercial purpose.

I was surprised to find that a [Local Law Community Impact Statement](#) hadn't been provided on your [Provide Your Thoughts](#) page relating to the **Proposed Nillumbik General Local Law 1** when **Clause 19 (f)** was being added without reason.

Proposed provision	Council response
Consider a permit trigger on the use of drones being launched from Council controlled land.	Council agrees that a provision requiring a permit should be developed. The Local Law should also allow for the designation of drone friendly areas of public open space where a permit would not be required to fly drones.
Consider a prohibition on drones flying and/or recording over private property without the express permission of the land owner.	Provisions have been included in the draft local law at Clause 19. f)

Developing the Local Law Community Impact Statement (LLCIS)	
Steps in developing a Local Law	Steps to develop a Local Law Community Impact Statement
Identify problem	→ Statement of the nature of the problem
Relate problem to Council objectives	→ Specify the Council objective – confirm it is a Council problem
Develop indicators by which success of Local Law will be measured	→ Set out indicators
Consider alternatives to Local Law	→ State alternatives considered/ why rejected
Identify power to make Local Law	→ Statement of exact provisions under which Local Law is made
Identify existing legislation that might be used instead	→ State why existing legislation is not satisfactory to solve problem
Other actions until end of process	→ Other actions until end of process
Local Law development process complete	Local Law Community Impact Statement complete

After looking through the [Local Laws Manual](#) published by Local Government Victoria, in the section on **Preparing for Local Laws**, it states: *Council needs to consider whether there is a possible alternative to a Local Law that might better suit the needs of the community.* In other words, Council needs to find out whether there is already an alternative Law before introducing new or additional Local Laws.

The key role of the **Civil Aviation Safety Authority (CASA)** is to conduct the safe regulation of air operations across all of Australia, and to ensure that Australian airspace is administered and used safely.

[CASA has rules that apply to all drones](#) nationally which are designed to protect people on the ground and in the air.

Drone safety rules

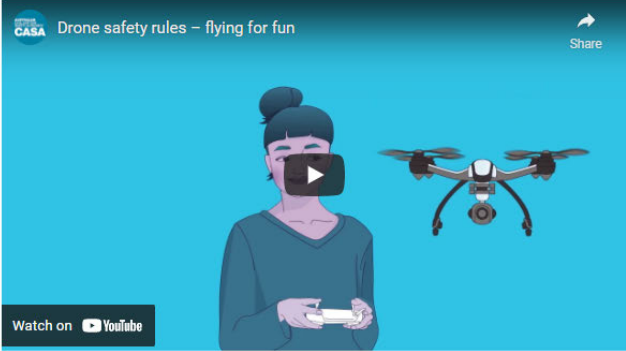
[Drones](#) > [Drone rules](#) > [Drone safety rules](#)

On this page

- [The dos and don'ts of flying](#)
- [The regulations](#)
- [Related content](#)
- [Related rules and publications](#)

There are rules in place to keep you and others safe, on the ground and in the air.

The drone safety rules, also known as the standard operating conditions, apply to all [types of drones](#) and remote-controlled aircraft.



Watch on [YouTube](#)

[Watch on YouTube](#) or download [Transcript drone safety rules for recreational drone operators \(PDF, 99.83 KB\)](#)

The dos and don'ts of flying

You must:

- > only fly one drone at a time
- > always fly your drone in visual line-of-sight — this means:
 - > flying only during the day
 - > avoid flying through cloud, fog or smoke
 - > you can always see your drone with your own eyes — not by using goggles, binoculars or another device
 - > not flying behind obstacles that stop you from always seeing your drone. For example, trees, buildings or other structures.

You must not fly your drone:

- > higher than 120 m (400 ft) above ground level — that's about the height of a 35-storey building or length of a football field
- > closer than 30 m to people — other than those helping to control or navigate your drone
- > over or above people at any time or height
- > in a way that creates a hazard to another person, property or aircraft
- > near [emergency operations](#)
- > in prohibited or restricted airspace (use a [CASA-verified drone safety app](#) to help you)
- > closer than 5.5 km to a controlled airport, which usually has a control tower, if your drone weighs more than 250 g. You can operate indoors provided the drone can't get out of the building. If you're a ReOC holder, please see more information on [flight authorisations](#).

You may operate your drone within 5.5 km of a non-controlled airport or helicopter landing site if:

- > there are no manned aircraft flying in the area
- > you see any manned aircraft flying to or from the airport or helicopter landing site you land as soon as safely possible
- > you stay outside the airfield boundary.

The regulations

We classify drones, also known as model aircraft or remotely piloted aircraft (RPA), by [size and type](#).

The drone safety rules simplify the regulations from the [Civil Aviation Safety Regulations Part 101](#).

The Part 101 Plain English Guide for [Micro and Excluded Category RPA](#) also captures the foundational drone safety rules. It is primarily intended for micro and excluded drone operators. However, it is expected all drone users will find it useful.

You should also read the latest Advisory Circulars to make sure you're following all the rules that apply to you.

You can apply for additional flight authorisations for:

- > [recreational drone and model aircraft operators](#)
- > [remotely piloted aircraft operator's certificate \(ReOC\)](#) holders.

Application fees and processing timeframes apply.

Flying for sport or recreation

If you're flying for sport or recreation, you don't need a [remote pilot licence \(RePL\)](#). If the drone or model aircraft weighs more than 25 kg, you'll need to apply for an [approval to fly](#).

Flying for work

If you're flying for work or for your employer, you must have either:

- > an [operator accreditation](#) to fly a drone:
 - > 2 kg or less
 - > more than 2kg but no more than 25 kg and you only fly it over your own land.
- > a [remote pilot licence \(RePL\)](#) and operate for an individual or business that holds a [remotely piloted aircraft operator's certificate \(ReOC\)](#) to fly a drone more than 2 kg.

Age limits

There is no age limit to fly a drone for sport or recreation. To fly for work or for your employer, you must be 16 years or older to:

- > [register a drone](#)
- > get an [operator accreditation](#).

Emergencies and public spaces

Drones > Drone rules > Emergencies and public spaces

On this page

[Flying near emergencies](#)

[Flying in populous area](#)

[Flying near airports](#)

[Flying in national parks and forest reserves](#)

[Flying near marine and wildlife](#)

[Contact us](#)

[Related content](#)

[Related rules and publications](#)

You must consider the people and the environment around you – before you take-off.

Flying near emergencies

You must not fly your drone during emergency operations. Flying your drone near emergencies can cause major safety hazards to response teams in the air and on the ground.

Using your drone to film or see a fire front might be tempting, doing so could hamper emergency services and break the [drone safety rules](#).

If you fly – other firefighting and rescue aircraft can't.

For your safety and others, do not fly your drone during:

- > natural disasters – bushfires, floods, electrical storms, hurricanes and cyclones
- > emergency operations – traffic accidents, tactical response, training or rescue operations.

Check your local fire authority for the latest updates and warnings:

- > [National Aerial Firefighting Centre](#)
- > [New South Wales Rural Fire Service](#)
- > [Australian Capital Territory Rural Fire Services](#)
- > [Victoria Country Fire Authority](#)
- > [Queensland Fire and Emergency Services](#)
- > [Tasmania Fire Service](#)
- > [South Australian Country Fire Service](#)
- > [Western Australia Department of Fire and Emergency Services](#)
- > [Northern Territory Fire and Rescue Services](#)

Flying in populous area

You must not fly your drone in a populous area.

A populous area is anywhere people are living or gathered for a purpose. If your drone were to fail and fall, it could pose a risk to the life, safety or property of a person in the area.

A crowded beach, a busy road, a sporting event, a concert or wedding are all populous areas.

You can't fly over people at any time – no matter how high you fly above them.

Major public events are often policed to make sure the public are safe. Leave your drone at home – live in the moment and enjoy these live events.

Many iconic buildings and tourism sites are also located in restricted airspace, making them no-fly areas. For example, Sydney Harbour and surrounding areas.

Flying near airports

A controlled airport generally has an air traffic control tower. At a controlled airport, there's a lot of air traffic and strict rules about where you can and can't fly.

If your drone weighs more than 250 g, you **must not** fly:

- > over a departure or approach path
- > over a movement area (areas where aircraft can taxi, take off or land on the ground)
- > within 5.5 km (3 NM) from a point along a runway centreline (the measurement point) of a controlled airport.

If your drone weighs 250 g or less, you can fly within 5.5 km (3 NM) from a point along a runway centreline (the measurement point). You **must not**:

- > fly over the movement area
- > fly over or in the departure or approach path
- > create a collision hazard to other aircraft taking off or landing.

A non-controlled airport does not have an air traffic control tower. Many airports in Australia are non-controlled.

You can fly your drone within 5.5 km (3 NM) from a point along a runway centreline (the measurement point) of a non-controlled aerodrome or the departure and approach paths. Any time you become aware of an aircraft, you **must**:

- > not launch your drone
- > manoeuvre your drone away from the path of the aircraft and land as soon as safely possible.

Contact us

Have a question? Need help? Try asking our virtual assistant in the bottom right hand corner of your screen.

You can also contact us through our online [enquiry form](#).

To keep up to date with the latest drone information and updates [subscribe to our mailing list](#).

Related content

Drone safety rules

Enforcement and penalties

Flying first person view

Travelling with your drone

Drones at school

Types of drones

Related rules and publications

Civil Aviation Safety Regulations Part 101

Plain English Guide for Micro and Excluded RPA operations

Last updated: 1 Apr 2022

These rules show that CASA has considered the safety of airborne manned and unmanned aircraft and people and property at ground level.

7 | Page

24/8/22

Attachments - 439

Enforcement and penalties

[Drones](#) > [Drone rules](#) > **Enforcement and penalties**

On this page

- [Enforcing the rules](#)
- [Penalties](#)
- [Contact us](#)
- [Related content](#)
- [Related rules and publications](#)

We can impose penalties if you break the rules.

Enforcing the rules

Most people do the right thing. Breaking the rules can land you in trouble. You could face operating restrictions, fines or jail.

We get reports of unsafe flying from:

- > members of the public, submitted using our [report unsafe drone operations service](#)
- > police
- > [Australia's national drone detection system](#)
- > authorised representatives of CASA.

We review and assess all complaints and reports of unsafe flying.

If you break the rules, we may:

- > educate – provide you with the [drone safety rules](#) to guide you in the right direction
- > counsel – provide formal advice or a warning about the offence
- > issue an infringement notice – impose fines and operating restrictions.

For serious offences or if you refuse to pay a fine, we will refer your case to the [Commonwealth Director of Public Prosecutions](#) and you may receive a summons to attend court.

Penalties

If you're liable for a penalty, we'll notify you in writing and include:

- > the reason for the penalty
- > the amount of the penalty
- > the due date for payment (at least 30 days after we issue the infringement notice).

We can issue a fine of up to \$1,110 per offence.

We can also restrict your accreditation, licence, certificate, or registration.

If you're summoned to attend a court, you could be:

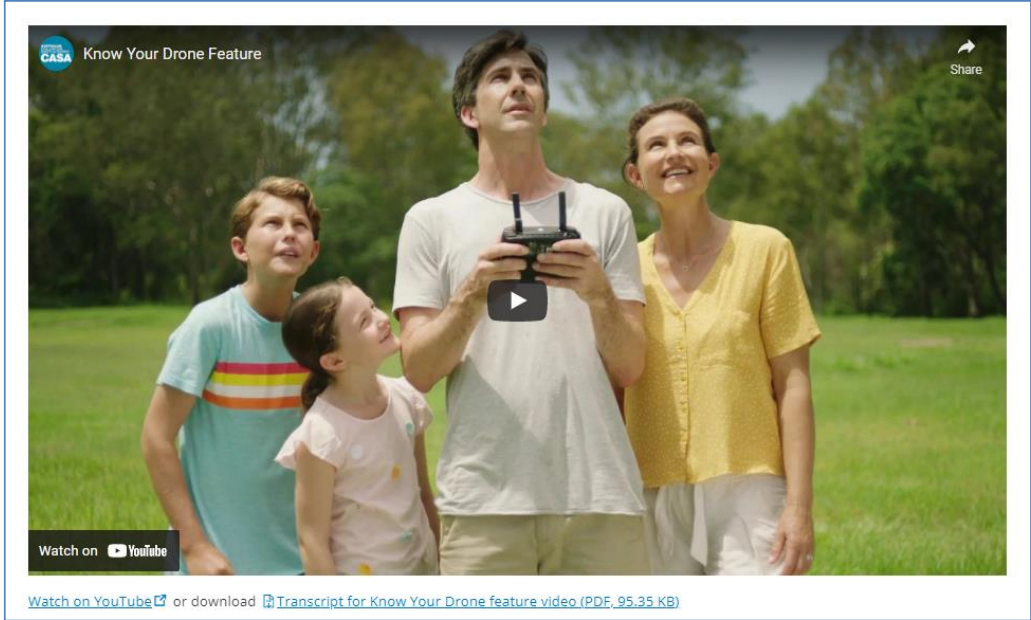
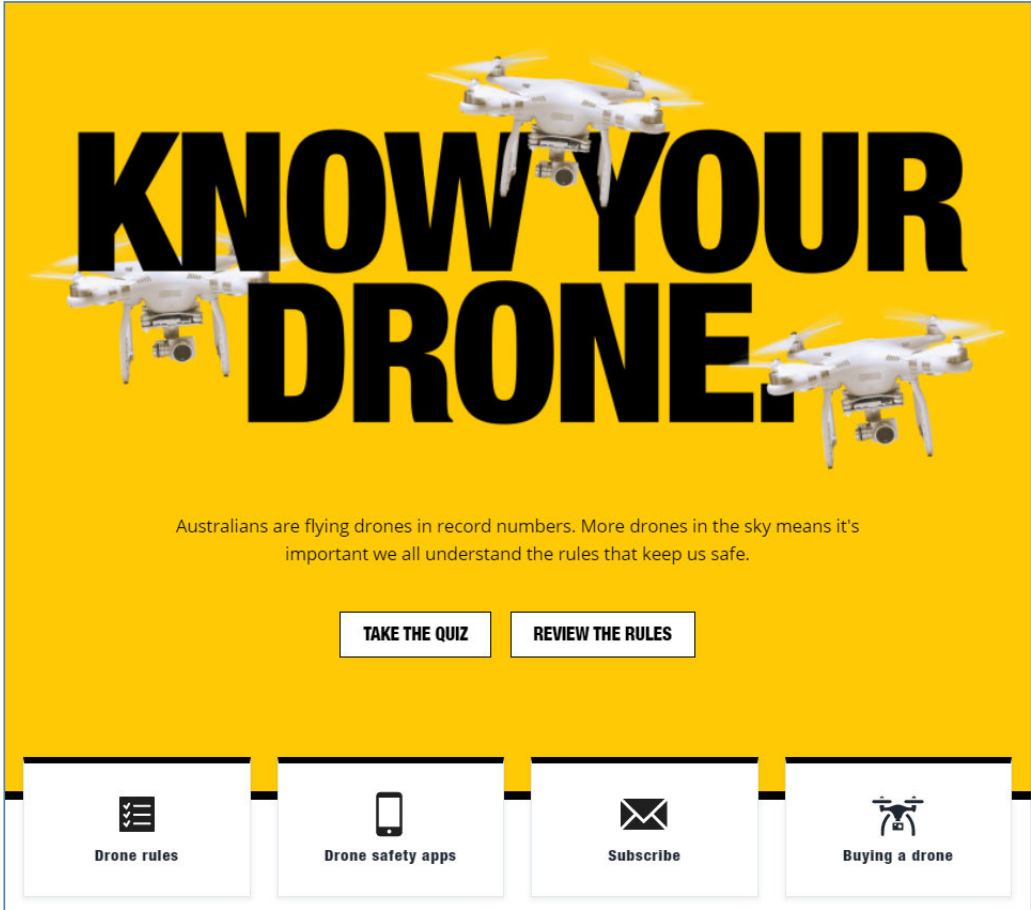
- > convicted of a crime
- > restricted from flying
- > fined up to \$11,100.

If you interfere with a drone or your drone becomes a hazard to other aircraft, you can be:

- > fined up to \$26,640
- > sent to jail for up to two years.

States and territories may have extra laws and penalties that apply to drones.


Education and information is the key for safety and CASA's dedicated educational [Know Your Drone](#) website is updated regularly and provides an online chat facility, a video on the legal use of drones, a knowledge quiz, as well as the option to sign up for CASA's notifications and newsletters.




Find out where it's safe to fly

Download or use a CASA-verified drone safety app to find out where you can and can't fly, before you take off.

DRONE SAFETY APPS





Drone safety advocates

CASA is working with drone retailers, wholesalers and manufacturers so that you can be confident you're buying your drone from a supplier who takes drone safety seriously.

DRONE SAFETY ADVOCATES


As an additional measure, there are [nine CASA-verified drone safety apps](#) that use location-based maps to show where you can and can't fly your drone according to aviation legislation.

Screenshots from the CASA approved Drone Safety App <https://ok2fly.com.au>

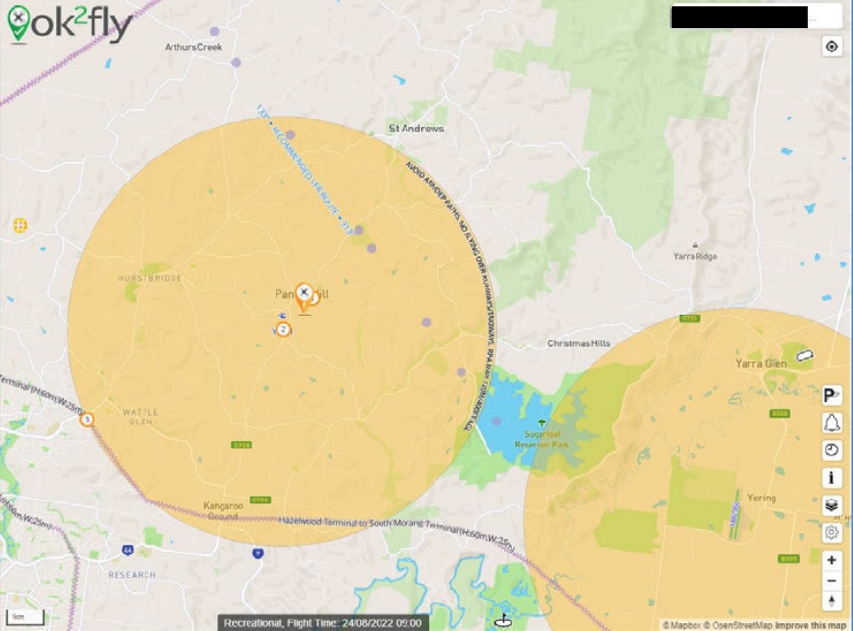
Recreational Can Fly - With Conditions

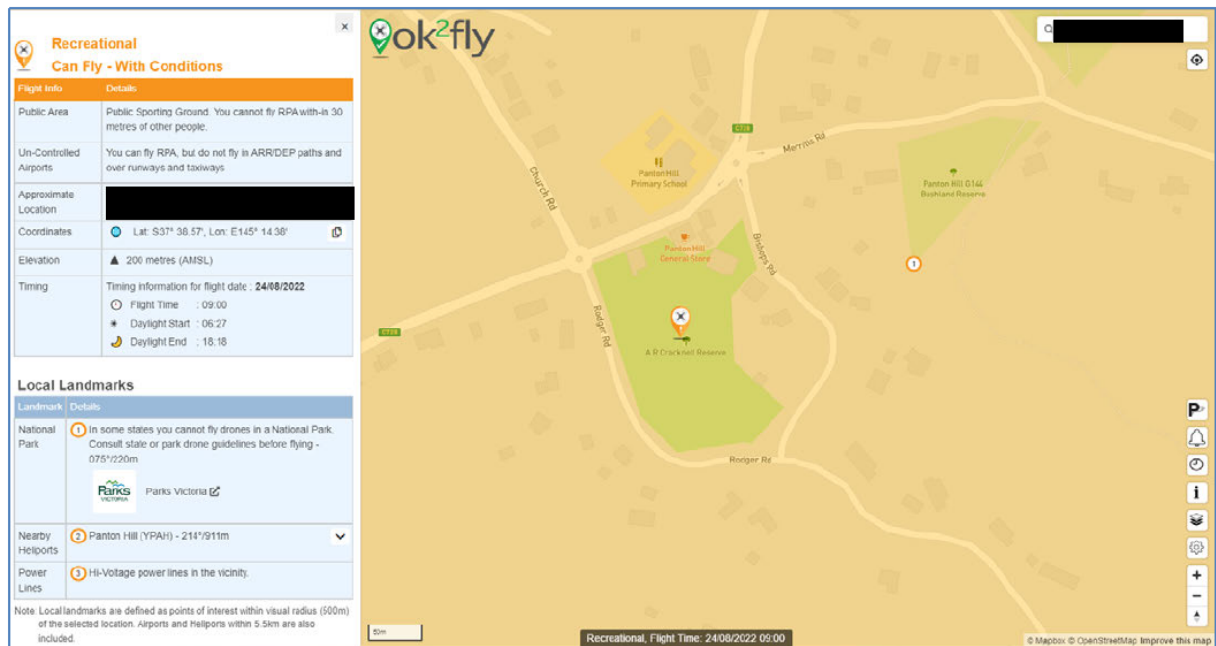
Flight rule	Details
Public Area	Public Sporting Ground. You cannot fly RPA within 30 metres of other people.
Un-Controlled Airports	You can fly RPA, but do not fly in ARR/DEP paths and over runways and taxiways.
Approximate Location	
Coordinates	Lat: S37° 36.57', Lon: E145° 14.38'
Elevation	▲ 200 metres (AMSL)
Timing	Timing information for flight date: 24/08/2022 ○ Flight Time : 09:00 ★ Daylight Start : 06:27 ☀ Daylight End : 18:18

Local Landmarks

Landmark	Details
National Park	① In some states you cannot fly drones in a National Park. Consult state or park drone guidelines before flying - 075/2220m  Parks Victoria
Nearby Heliports	② Pantom Hill (YPAH) - 214/911m
Power Lines	③ Hi-Voltage power lines in the vicinity.

Note: Local landmarks are defined as points of interest within visual radius (500m) of the selected location. Airports and Heliports within 5.5km are also included.





[CASA has introduced a registration process for all drones.](#) Operators of unregistered drones used for commercial purposes can now be fined up to \$11,100.

Register your drone

Drones > [Registration and flight authorisations](#) > Register your drone

On this page

- [The requirements](#)
- [Registration levy](#)
- [Register your drone now](#)
- [Modifying a registered drone](#)
- [Deregistering your drone](#)
- [Penalties for flying an unregistered drone](#)
- [Contact us](#)

Registration for drones, or remotely piloted aircraft (RPA), flown for business or as part of your job is now required.

Some drones don't need to be registered now. This applies if:

- > you don't intend to fly your drone
- > you're only [flying for sport or recreation](#), including model aircraft flown at CASA-approved model airfields
- > you're a commercial drone repairer or manufacturer, but you must [keep records](#).

Registration is:

- > quick, easy and online
- > valid for 12 months.

The requirements

If you fly a drone, or remotely piloted aircraft (RPA), for business or use one as part of your job, you must register it before you fly.

This applies to all drones that you fly to provide any type of service – no matter how much it weighs. This may include activities such as:

- > selling photos or videos taken from a drone
- > inspecting industrial equipment, construction sites or infrastructure
- > monitoring, surveillance or security services
- > research and development
- > any drone activities on behalf of your employer or business.

You must be 16 or older to register a drone.

You must also get an [RPA operator accreditation](#) if you fly your drone for business or use one as part of your job unless you have a [remote pilot licence \(RePL\)](#) or only [fly for sport or recreation](#).

Registration levy

For drones flown for business or used as part of your job:

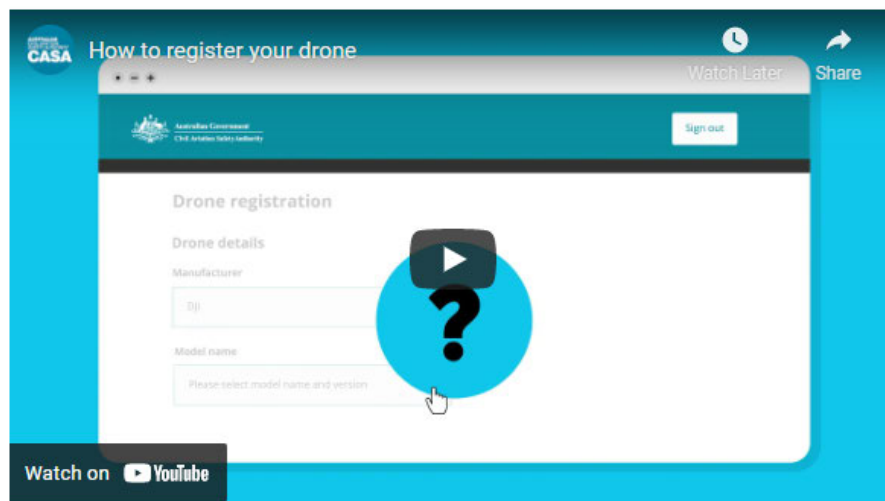
- > 500 g or less, it's free to register
- > more than 500 g, a registration levy of \$40 per drone applies.

Registration is mandatory. In exceptional circumstances, you may be eligible to apply for a [refund of the remotely piloted aircraft \(RPA\) registration levy](#).

Register your drone now

It only takes a few minutes to register your drone using [myCASA](#).

Watch our step-by-step guide on how to register your drone.



[Watch on YouTube](#) or download [Transcript of how to register your drone \(PDF, 91.42 KB\)](#)

To register your drone, you need:

- > to be 16 or older
- > [proof of identity](#), such as an Australian passport, Australian birth or citizenship certificate, or ImmiCard
- > a [myCASA](#) account
- > an [aviation reference number \(ARN\)](#)
- > make, model, [serial number](#), weight and [type of drone](#)
- > download and/or print your certificate of registration from myCASA.

You should also consider whether you need an [organisation ARN](#). If you're a business, this will allow others to manage your fleet of drones.

Penalties for flying an unregistered drone

From 28 January 2021, you can be fined if you fly an unregistered drone for business or as part of your job. The fine is up to \$11,100.

You can be asked to produce your certificate of registration by an authorised representative of CASA or member of the Australian Federal Police or State and Territory police services.

[Accreditation of operators and registration of drones being flown for recreational purposes is scheduled to begin on 1 July 2023](#) with registration required annually.

Recreational drone registration and accreditation deferred to 2023

Date: 4 April 2022

The Australian Government has agreed to defer mandatory recreational drone registration and operator accreditation until 1 July 2023.



Registration for recreational operators was scheduled to commence in mid-2022.

This follows the introduction of registration for commercial and excluded category operators on 30 September 2020.

The new rules for recreational drones will require operators to gain accreditation by watching an online video and successfully answering a short quiz to demonstrate they understand the drone safety rules.

The new registration and accreditation requirements will apply to all drones operated recreationally that weigh more than 250 grams.

To keep up to date, [subscribe to the latest Know Your Drone newsletter](#) and we'll let you know when registration begins.

[View a copy of the amendment to the legislation](#) .

CASA's comprehensive registration and accreditation requirement, along with checking and enforcing by the police takes away the need for Council to create a local law when the area is already well covered at a federal legislation level, with the [Civil Aviation Safety Regulations 1998](#) in place and updated regularly as required.

Again, Point 2.5 from the [Guidelines for Local Laws Manual](#)

Identifying (and staying within) the power to make a Local Law

Since 1 July 2007, the [CASA Office of Airspace Regulation](#) has been the **Parliamentary appointed airspace regulator**. The use and rules for model aircraft and drones are regulated by CASA. Once a drone is in the air, it comes under CASA's regulations. The safety rules implemented by CASA are for the protection of the general public.

2.5 Identifying (and staying within) the power to make a Local Law

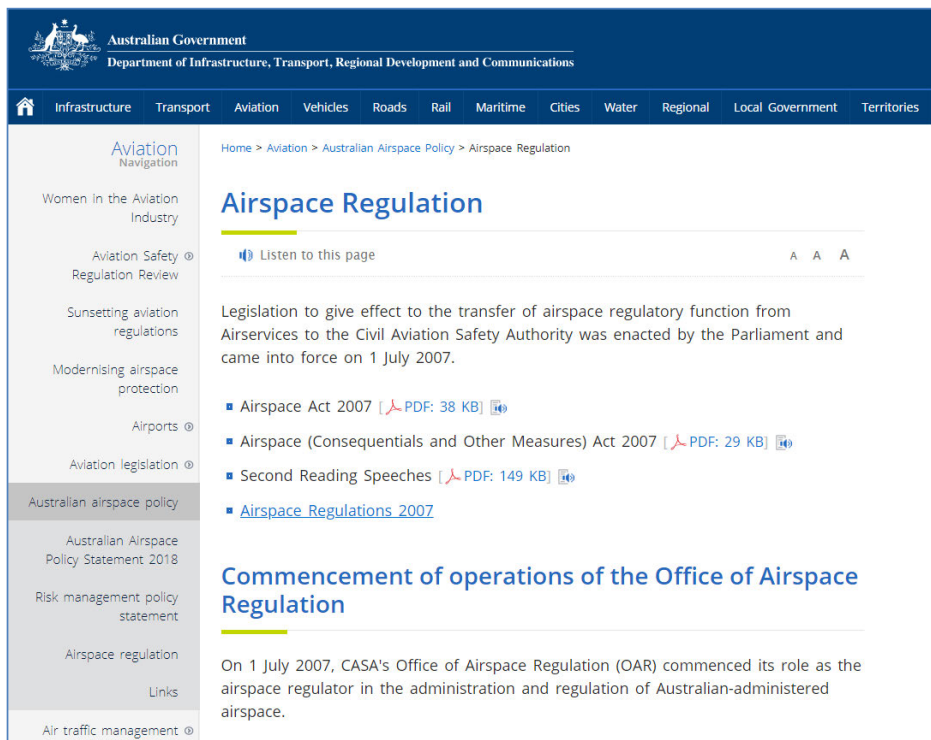


- A Local Law must identify the authority on which it is based and remain within that authority/power.

2.5.1 Legislative provisions

Section 111(1) of the Act provides:

A Council may make Local Laws for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act.



The screenshot shows the Australian Government website for the Department of Infrastructure, Transport, Regional Development and Communications. The main navigation bar includes links for Infrastructure, Transport, Aviation, Vehicles, Roads, Rail, Maritime, Cities, Water, Regional, Local Government, and Territories. The left sidebar contains an 'Aviation Navigation' menu with links such as 'Women in the Aviation Industry', 'Aviation Safety Regulation Review', 'Sunsetting aviation regulations', 'Modernising airspace protection', 'Airports', 'Aviation legislation', 'Australian airspace policy', 'Australian Airspace Policy Statement 2018', 'Risk management policy statement', 'Airspace regulation', 'Links', and 'Air traffic management'. The main content area is titled 'Airspace Regulation' and includes a 'Listen to this page' button. The text states: 'Legislation to give effect to the transfer of airspace regulatory function from Airservices to the Civil Aviation Safety Authority was enacted by the Parliament and came into force on 1 July 2007.' Below this, there are links to 'Airspace Act 2007' (PDF: 38 KB), 'Airspace (Consequential and Other Measures) Act 2007' (PDF: 29 KB), 'Second Reading Speeches' (PDF: 149 KB), and 'Airspace Regulations 2007'. A section titled 'Commencement of operations of the Office of Airspace Regulation' states: 'On 1 July 2007, CASA's Office of Airspace Regulation (OAR) commenced its role as the airspace regulator in the administration and regulation of Australian-administered airspace.'

Point 2.6 in [Guidelines for Local Laws Manual](#) states:

Identifying existing legislation that might be used instead of a Local Law

CASA have in the last 3 years, substantially increased the amount of advertising they are doing, including print, television, social media, radio and cinema advertising, to the point that many people, including those who don't own or operate a drone, are now aware of the drone rules.

Wouldn't the federal legislator of air safety be the best authority to look after this area so that there isn't an overlap of existing provisions of legislation should a new local law clause be created?

2.6 Identifying existing legislation that might be used instead of a Local Law



- Council needs to fully explore existing legislation to ensure there are no existing provisions that could be used.
- Local Laws should not be created unnecessarily.

2.6.1 Issues

This is a different exercise to section 2.8 – identifying existing legislative provisions which may be overlapped. The purpose here is to ensure that Local Laws are not unnecessarily made when the objective could be achieved by use of existing legislation.

CASA, as the responsible authority for air space, has the power to investigate and fine drone operators who do the wrong thing. [There is a link on their website where breaches of the rules can be reported.](#)

Drone complaints

Drone complaints

1

2

3

4

5

6

7

The incident

Drone operator

The drone

Supporting evidence

About you

Review and submit

Success

Use this form to report drone operations you think might have broken the drone safety rules.

We will use the information you provide us to look into your complaint. We can't provide you with feedback on your complaint or the outcome. The information you provide will not be passed on to the drone operator. We cannot enforce privacy related matters.

Safety breaches can only be investigated where there is sufficient evidence, such as photos or video recordings of the breach and the person controlling the drone at the time.

Nature of the Incident

* Indicates a required field

* What was the drone doing?

- Select -

Next

Published date: 5 December 2021

In the [Guidelines for Local Laws Resource Book](#), in the section **Preparing for Local Laws** it states the following:

Identifying existing legislative provisions that may be overlapped by a Local Law

As I've shown in earlier pages, Council is proposing to regulate in an area that is already regulated at a federal government level by CASA and the drone safety rules simplify the regulations from the [Civil Aviation Safety Regulations Part 101](#)

Is there really a problem or has there been a lack of knowledge that has brought about proposed Clause 19 (f)?

2.8 Identifying existing legislative provisions that may be overlapped by a Local Law



Council needs to take steps to ensure a Local Law does not duplicate, overlap, conflict with, or is inconsistent with existing legislation.

2.8.1 Local Government Act 1989

The Act has provisions with which Local Laws must not be inconsistent.

Privacy and Drones: There also seems to be a lot of misinformation about drones operated by individuals and privacy laws. *The Privacy Act covers Australian Government agencies and organisations with an annual turnover of more than \$3 million, and [some other organisations](#). The Privacy Act does not apply to individuals acting in a private capacity.*

Source: <https://www.oaic.gov.au/privacy/your-privacy-rights/surveillance-and-monitoring/drones>

The screenshot shows the OAIC (Office of the Australian Information Commissioner) website. The header includes the OAIC logo and the Australian Government crest. The breadcrumb trail reads: Home / Privacy / Your privacy rights / Surveillance and monitoring. The main heading is 'Drones'. Below it is a 'Listen' button with a speaker icon. The text states: 'Several laws cover the use of drones in Australia. If you've been photographed or filmed by a drone and the operator is an organisation or agency the Privacy Act 1988 (Privacy Act) covers, then they must comply with the [Australian Privacy Principles](#). The Privacy Act covers Australian Government agencies and organisations with an annual turnover of more than \$3 million, and [some other organisations](#). Such an organisation or agency must:

- tell you that your image may be captured before you're recorded
- make sure recorded [personal information](#) is secure and destroyed or de-identified when it is no longer needed

The Privacy Act does not apply to individuals acting in a private capacity. Civil Aviation Safety Authority regulates the use of recreational drones. Visit their [website](#) for a list of rules an individual must follow when operating a drone.

If your neighbour is using a drone and you're concerned about your privacy, see [Security Cameras](#).

If a media or news outlet has used a drone to capture your image without permission, see [Photos and Videos](#).

Further reading: Drones and Privacy: What Are My Rights? <https://www.gotocourt.com.au/legal-news/drones-privacy-rights/>

Most Councils do not have a reference to drones or model aircraft in their local laws, however I have sought clarification of each Local Law or Council website's wording so members of our group can do the right thing.

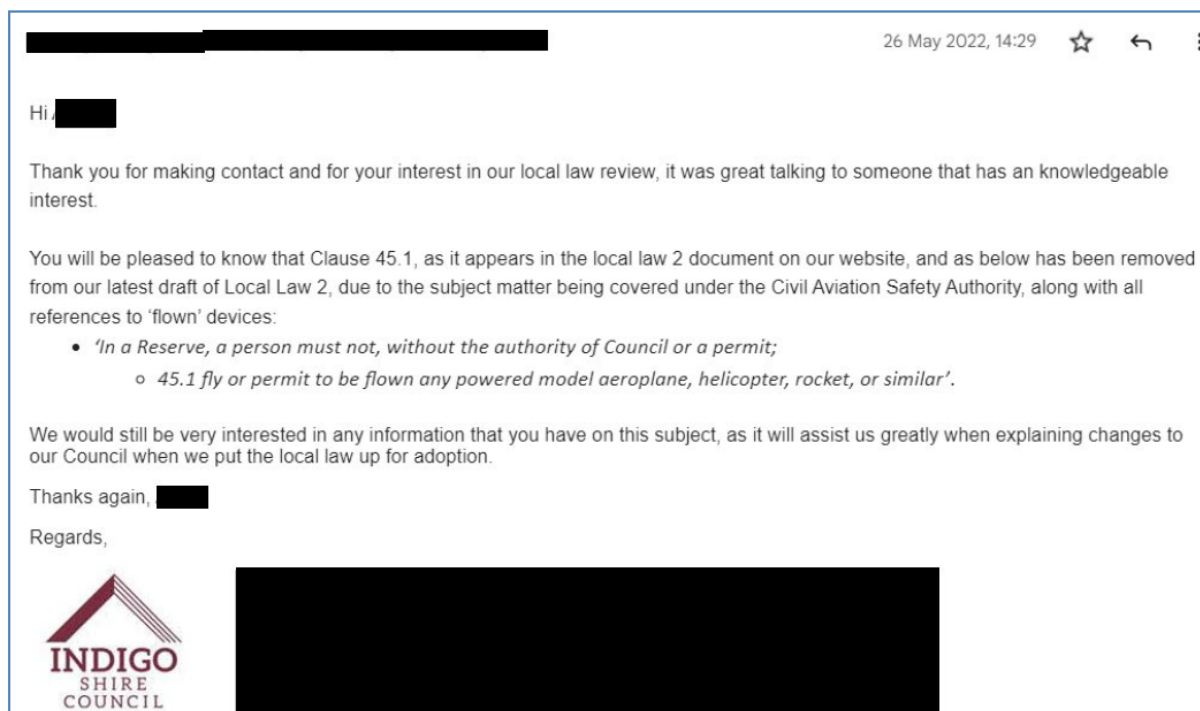
Extract of the agenda of the [Mornington Peninsula Shire Council meeting 23 August 2022](#). Council recognised that remote control aircraft are regulated by CASA and removed "aircraft" from their definition of Toy Vehicles.

Community Amenity Local Law 2022	
Mornington Peninsula Shire Council	26
<hr/>	
Council Meeting Agenda 3.4 (Cont.)	23 August 2022
As a result of the submissions received, the following amendments have been made to the draft Community Amenity Local Law 2022 that was released for public submissions:	
<ul style="list-style-type: none">The words 'aircraft or' have been deleted from the definition of 'Toy vehicle' in Clause 8. This amendment was made as remote-control aircraft are regulated by the Civil Aviation Authority (CASA).	

Extract of the minutes from the [Bass Coast Council meeting on 20 July 2022](#) regarding the proposed local law

Minutes of Council Meeting - 20 July 2022	Bass Coast Shire Council
<hr/>	
<ul style="list-style-type: none">Power to issue a direction (S.106) – now includes verbal direction	
Major Amendments to Existing Provisions	
<ul style="list-style-type: none">Permits (S.9-15) – incorporates relevant provisions from guidelines and provides guidance on permit application, granting, refusal, cancellation, appeals etc. Permit conditions removed.Unightly and dangerous properties (S.20) – strengthened provisions.Camping on private property (S.23) – expanded definition.Noxious weeds (S.27) – previously incorporated in unsightly land guidelines.Obstructions from private property (including trees) (S.28) - expanded to include all items obstructing or overhanging Council land, footpaths, or roads. Provided clarity on what constitutes a danger to vehicles or pedestrians (covers bunting).Keeping of animals generally (S.32) - changed table 'land between 0.5ha and 2ha' to 'land 5000 square metres or greater' to better regulate keeping of animals on larger properties (exemptions apply).Housing of animals (S.33) – address animal odour and introduce buffer zones for animal housing.Open air burning (S.36-39) - includes important elements of the guidelines, clearly articulating what Council expects of residents. Clarity around what a resident 'can' do – ie. properly constructed barbeque, pizza oven, chiminea, fire pit used for heating or cooking food.Waste and recycling (S.40-44) – includes important elements of the guidelines, clearly articulating what Council expects of residents.Use of toy vehicles (S.46) - revised to better address nuisance, intimidating, obstructing, damaging or unsafe behaviour in a municipal place. Does not include provisions around drones this is heavily regulated by the <i>Civil Aviation Safety Regulations 1998</i> (Cth) (Aviation Regulations).	

In May 2022, Indigo Shire Council removed all reference to “flown” devices from their draft local law.



The Ararat Rural City Council at their meeting on 26 April 2022 voted to remove all reference to drones in their proposed new local laws, based on the following information.

<https://www.ararat.vic.gov.au/sites/default/files/CM%20Minutes%2020426.pdf>

Officer response to submissions
With respect to the submission set out in:

- Item 7 in the above table regarding community information sessions, it is noted; and
- Item 8 in the above table regarding clarification about how Green Hill Lake is affected, Officers have provided an individual response.

Of the other 6 submissions, 5 were made by individuals and 1 was made on behalf of a Victoria-wide organisation of photographers, which includes a number of hobbyist and professional drone users. The concerns raised by these 6 submitters regarding (what was) cl 59 of the proposed Local Law are substantially similar and it is therefore convenient and appropriate to deal with them collectively.

What was cl 59 of the proposed Local Law is reproduced below:

59. Operation of Model Aircraft

(1) *Council may prescribe Council Land or part of Council Land to be Council Land or part of Council Land on which a person must not operate or allow another person to operate a model aircraft without a permit.*

(2) *A person must not, without a permit, operate or allow another person to Operate a model aircraft while on any Council Land or any part of Council Land prescribed under sub-clause (1).*

The term ‘model aircraft’ was defined in cl 10 of the proposed Local Law in the following way:

“model aircraft” means any airborne device modelled on an aeroplane or aircraft and which is powered, and includes a drone.

While some of the submissions relating to (what was) cl 59 of the proposed Local Law are more detailed than others, the concerns shared by the submitters can be broadly summarised in the following way:

- the Civil Aviation Safety Authority (**CASA**), a specialist statutory authority established under the *Civil Aviation Act 1988* (Cth), is better placed than local councils to regulate drone use, particularly in relation to public safety;
- introducing localised restrictions on drone use creates a higher barrier to entry and, given the increased complexity and practical difficulties associated with enforcement, the cost associated with hindering the use of drones in public places would outweigh any perceived benefits; and
- Council does not have the authority to regulate where, and by whom, drones may be operated and a provision of a local law purporting to have such an effect would be inconsistent with the local law requirements and of no effect pursuant to s 72 of the Act.

4572

26 APRIL 2022
COUNCIL MEETING MINUTES

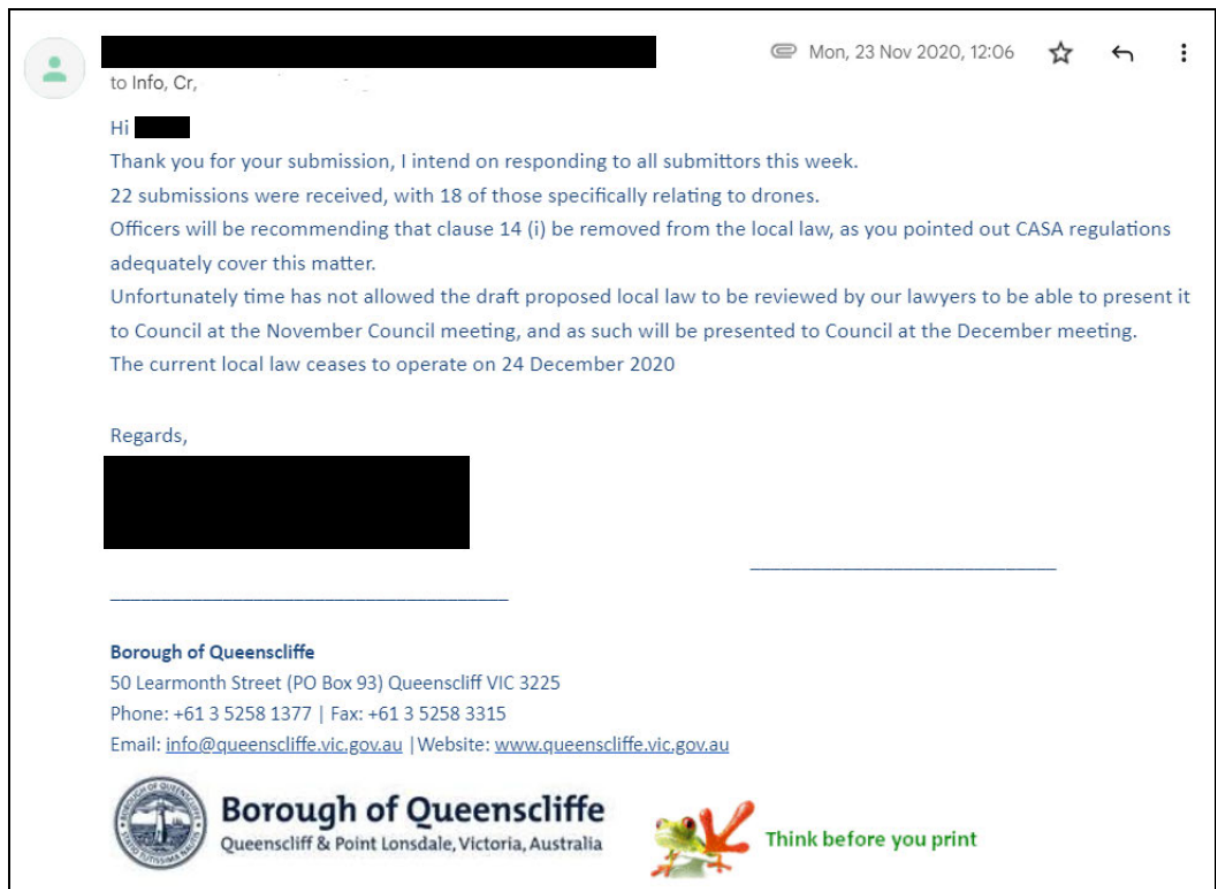


Having considered the feedback opposing (what was) cl 59 of the proposed Local Law, and considered legal advice relating to its operation, Officers have omitted it from the attached proposed Local Law and recommend that Council does not pursue it any further.

Officers note the following in making this recommendation:

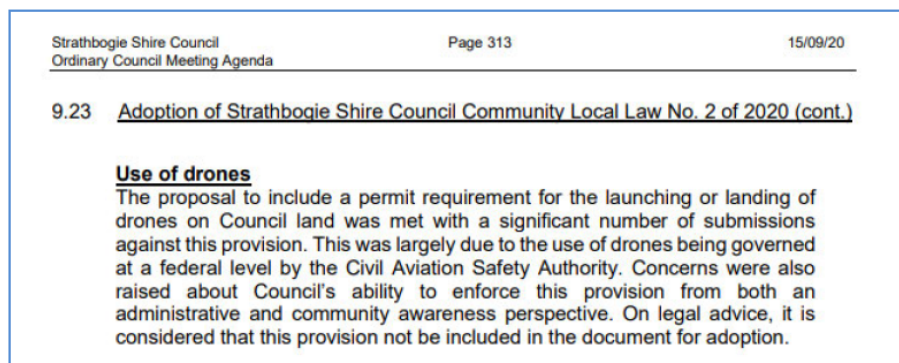
- The intent and effect of (what was) cl 59 of the proposed Local Law was not to create a blanket prohibition on the use of drones on Council land, but to preserve the amenity of Council Land by addressing drone use that may be liable to unreasonably interfere with the quiet enjoyment of Council Land by others;
- It is not a forgone conclusion that (what was) cl 59 of the proposed Local Law is inconsistent with the local law requirements in s 72 of the Act and therefore of no effect – this can only be finally determined by a Court of competent jurisdiction and there is at least an argument that there is space for Council to regulate the use of drones;
- CASA regulations are generally adequate to ensure that drones are used responsibly in public, including by:
 - prohibiting a person from operating a drone in a way that creates a hazard to another person or property;
 - prohibiting a person from operating a drone within 30 metres of another person not directly associated with the operation of the drone;
 - prohibiting a person from flying a drone over or above people or in a populous area (including beaches, parks, events, or sport ovals where there is a game in progress); and
 - prohibiting a person from dropping or discharging any thing from a drone in a way that creates a hazard to person or property;
- As regulation in this area continues to mature (including requiring the registration of recreational drones from mid-2023), it is anticipated that regulations will become more widely known to drone users and the general public and that responsible drone usage will continue to increase as a result; and
- Council does not currently regulate drones and the scale of the problem is not such that there is an immediate need to introduce a provision like (what was) cl 59 – if the need should arise, Council can revisit this issue.

Borough of Queenscliffe Council updated their local laws in December 2020, removing the reference to drones.



In August 2020, Strathbogie Shire Council proposed to introduce a permit requirement for drones in their draft local laws. After a significant number of submissions from the public, Council sought legal advice and, recognising that CASA rather than Council is the responsible authority and, that the local law may not be enforceable, removed the permit requirement from the document.

https://strathbogie.vic.gov.au/images/Council_Minutes_and_Agendas/20200915_Agenda_Ordinary%20Council%20Meeting_September%202020.pdf



On 9th December 2019, as part of the local law review for City of Boroondara, Councillors voted to accept the officer's recommendations to remove the requirement for a permit to fly a drone.

City of Boroondara	184
Services Special Committee Agenda	11/11/19
<p>In other words, a wedding photographer (commercial) using a tripod in a way that does not cause any obstruction is exempt from a permit in the same way an amateur photographer (non-commercial) would be under the same circumstances.</p> <p>However, a permit would be required for a comparatively large-scale photographic shoot (for commercial purposes or non-commercial purposes) involving the placement of equipment causing an obstruction. In this case, a distinction is made only in relation to the permit cost.</p> <p>There would be no cost for a permit for a group of students, but a permit fee would be applied where the activity was for commercial purposes.</p> <p>In addition, officers are proposing the removal of the requirement for a permit to fly a drone (refer to section 4.5. below). This would enable photographers and filmmakers to use drones for the purpose of filming and photography in accordance with CASA regulations but without the requirement of a permit from Council.</p> <p>To assist filmmakers and photographers to understand Council requirements, guidelines and a checklist will be developed and available via Council's website.</p>	
<h4>4.5. Drones</h4> <p>The proposal to introduce a requirement for a permit to fly a drone on, over or above Council-controlled land was based on the need to ensure such devices would not cause danger to or unreasonably interfere with a person's use and enjoyment of Council land, or adversely impact amenity.</p> <p>Whilst a permit requirement was originally proposed to regulate drone flying, officers have given further consideration to the issue and the role of CASA in regulating drone flying. This has involved additional benchmarking and investigation. There is conceivable risk an inconsistency would be created with the existing State legislation administered by CASA for the regulation of drones. As discussed previously, a local law should not duplicate or conflict with existing legislation.</p> <p>Officers note CASA is in the process of applying mandatory registration for all remotely piloted aircraft systems (RPAS) or 'drones' and the requirement for operators to successfully complete a basic competence test regarding the safe use of RPAS. CASA has developed a proposed registration and accreditation scheme for drones weighing 250 grams or less and used for recreational purposes only. Upon adoption in April 2020, the scheme will augment the existing regulations already in place and enforced by CASA.</p> <p>Officers note the City of Casey removed their requirement for a permit to fly a drone in recognition of the CASA regulations. Officers similarly propose to remove the requirement for a permit to fly a drone on or over Council-controlled land. Nonetheless, officers suggest there remains a need to regulate the use of model aircraft on and above Council-controlled land. This can be achieved by treating model aircraft separately from drones and as such officers suggest the definition for 'model aircraft' be amended to exclude drones.</p>	
City of Boroondara	188

Pyrenees Council: Local law - [Adopted by Council on 19 February 2019, Commencement Date 7 March 2019.](#)

I sought to clarify some inconsistencies with their proposed local laws and with the information I provided, Council decided there was no need to include any restrictions on the operations of drones.

Casey Council [removed a permit requirement](#) when they updated their local laws in 2018.

Flying a drone

You do not need a Council permit to fly your drone. There are [rules around how and when you can fly your drone](#). The Civil Aviation Safety Authority (CASA) also has a mobile application that helps you understand [where you can fly your drone](#).

If you have a large drone or want to fly for commercial reasons, you may need a [certification from CASA](#).

Ballarat Council made new local laws in December 2017, only to suspend them and then [voted to remove the drones regulations from their local laws](#) on 4 April 2018 so that no permits are required. Operators need to abide by the CASA rules and regulations.



BALLARAT **9NEWS**.com.au

COUNCIL 9 News Western Victoria Follow

7.9K views · about a year ago ·

Drone users are breathing a sigh of relief with the City of Ballarat back flipping on plans to ban the use of the devices on council land.

Ordinary Council Meeting Minutes

4 April 2018

9.2. LOCAL LAW AMENDMENT

Division: Infrastructure and Environment
Director: Terry Demeo
Author/Position: Terry Demeo- Director Infrastructure and Environment

Mr Luke Parker, Ms Rachael Bott, Ms Anne Preston, Mr Brett James, Mr Philip Rowse, Mr Andrew Greg and Mr Peter Risdale made public representations.

RESOLUTION:

Council resolves to:

1. Adopt a modified Local Law to include:
 - a. Modifications to Clause 15.2 such that no permit is required for burning outside fire restriction periods for properties within the farming zone and properties within the rural living zone that exceed 2 hectares in area.
 - b. Remove:
 - Clause 66.1 (A person must not undertake any of the following activities on a Municipal Reserve without first obtaining a Permit): fly or allow to be flown any aircraft (including an RPA or any powered aeroplane but excluding a kite).
 - Clause 71 and 71.1 – A person must not, without a Permit, operate an RPA within 100 metres of an Event on Council Land or a Road within the Municipal district.
2. Publish the altered arrangements for burning in the rural environment for a consecutive period of a month in Council's noticeboard following the formal gazettal of the modified Local Law.
3. Formally engage with representatives of drone stakeholder group in developing the policy position for drone activity.

Moved: Cr Daniel Moloney
Seconded: Cr Des Hudson

CARRIED
(R76/18)

EXECUTIVE SUMMARY

Following the adoption of the Draft Community Local Law 2017 report at the Council Meeting held on 13 December 2017, there has been further consideration in relation to the implications of the adopted Local Law as it impacts on the emerging industry/recreational use of drones and also in relation to the impact of the Local Law in respect to permits to burn impacting on farming practices and maintenance associated with rural living allotments.

Having regard to the further consideration of these matters, it is recommended that the Local Law be modified to provide for a policy which explicitly states that a permit for drone activity is only required on public land where an event is underway and adopt a modified provision to allow burning in the farming and rural living environment in line with existing practices.

12

Ordinary Council Meeting Minutes

4 April 2018

Further, it is recommended that Council engage with stakeholders from the drone group in developing the policy position to inform Local Law operation.

The modified provisions of the Local Law have been through a government gazette and local notification process with no submissions received.

City of Melbourne Council does not require recreational drone flyers to have a permit, only to follow the CASA rules.
Email clarification 5/1/21



Knox City Council updated their [website](#) after I contacted them with a query.


Filming with a drone


We are not responsible for providing permission for the use of drones, but we recommend reading the [information provided by Civil Aviation Safety Authority \(CASA\)](#).


It is always important to comply with the relevant CASA requirements and be mindful of respecting personal privacy.

Photographing or filming a person without consent may breach Victorian State legislation.

Surf Coast Shire Council [website](#)



Find almost anything on our website 

 [About us](#) [Property](#) [Community](#) [Experience](#) [Environment](#)

Home / [About us](#) / [Permits, forms and applications](#) / [Drones Guidelines](#)

In This Section

Council

Working with us

Permits, forms and applications

Rates and payments

Works and projects

News and media

About the Shire

Contact Us

Your Say

Drones Guidelines

Flying/Filming with drones for commercial or recreational purposes

The Civil Aviation Safety Authority (CASA) guidelines apply to all drone and RPA (remotely piloted aircraft) operators. Please see the [CASA website](#) for more information. Council does not have any specific local laws about flying drones, however the CASA guidelines do apply. If you are flying for commercial purposes you might also need a film permit from Council or another authority like the Great Ocean Road Coast Committee.

Here's a snapshot of the CASA guidelines:

- You must not fly your drone higher than 120 metres (400 ft) above the ground.
- You must not fly your drone over or near an area affecting public safety or where emergency operations are underway (without prior approval). This could include situations such as a car crash, police operations, a fire and associated firefighting efforts, and search and rescue operations.
- You must not fly your drone within 30 metres of people, unless the other person is part of controlling or navigating the drone.
- You must fly only one drone at a time.
- You must only fly during the day and keep your drone within visual line-of sight. This means being able to orientate, navigate and see the aircraft with your own eyes at all times (rather than through a device; for example, through goggles or on a video screen).
- You must not fly over or above people. This could include festivals, sporting ovals, populated beaches, parks, busy roads and footpaths.
- You must not operate your drone in a way that creates a hazard to another aircraft, person, or property.
- You must not operate your drone in prohibited or restricted areas.
- Please respect personal privacy.
- Don't record or photograph people without their consent—this may breach state laws.
- There might be local council and/or national park laws prohibiting drone flights in certain areas.
- Research the area you plan to fly and contact your council or national park if you're unsure.
- Don't operate near emergency services aircraft – if you fly, they can't.

Additional information for drones over 100 grams:

Some other points to consider:

It is essential that Council are all inclusive of the community. Not everyone has an interest in participating in team sports. The use of drones provides people who are less mobile or with a disability the enjoyment of seeing things they would otherwise be restricted from. Flying of drones provides immense educational options. A member of a drone group that I belong to made this comment, after attending an international drone conference in China in 2019, *“drones are now a well-recognised stepping stone towards manned aviation careers and we're on the edge of a severe pilot shortage”*.

In Australia the use of drones, and their technology, is now being used across a variety of industries. CASA is the federal statutory authority to oversee all these activities.

As more industries search for modern, inventive solutions to issues of sustainability, productivity, and other challenges, drone technology has become more prevalent across a wide range of industries. This prevalence offers a growing catalogue of job opportunities in a variety of fields in need of drones — and pilots to fly them.

25 | Page

24/8/22

Attachments - 457



Chief among these industries is agriculture, where unpredictable weather, irrigation issues, pest control, and even crop disease can have a huge impact on the management and effectiveness of farms across Australia. Whereas traditional methods of managing these issues are still possible, they are expensive, time-consuming, often environmentally harmful, and highly complicated for everyone involved.

Drones in agriculture are being used for: Photo capturing technology, data and monitoring, Pesticide and Fertilizer Distribution, Irrigation and Planting, just to name a few.

Source: [UAV Training Australia](#)

Drones using thermal imaging are being used to check that the dripper watering system for vineyards and market gardens are all working correctly and efficiently.

Surf Lifesavers are using drones to assist with rescues; and fire fighters are using thermal imaging drones to locate hot spots so they can target their efforts.

Many Councils are now using drones to monitor trees and do building inspections within their municipality, making this safer and more efficient.

Wyndham City Council posted on their [Facebook](#) page on 21 Jan 2022

Wyndham City has recently been trialling the use of drones in the future Western Grassland Reserve, to apply herbicide to weeds in rough terrain, through the Land Protection Grant Scheme.

This state-of-the-art technology can identify weed species and spot spray individual plants, as well as boom spray large areas and produce detailed mapping for management.

*This project targeted 20 hectares of Artichoke Thistle (*Cynara cardunculus*) and is part of the partnership between Wyndham City and [Department of Environment, Land, Water and Planning](#) for interim management of the Western Grassland Reserve.*

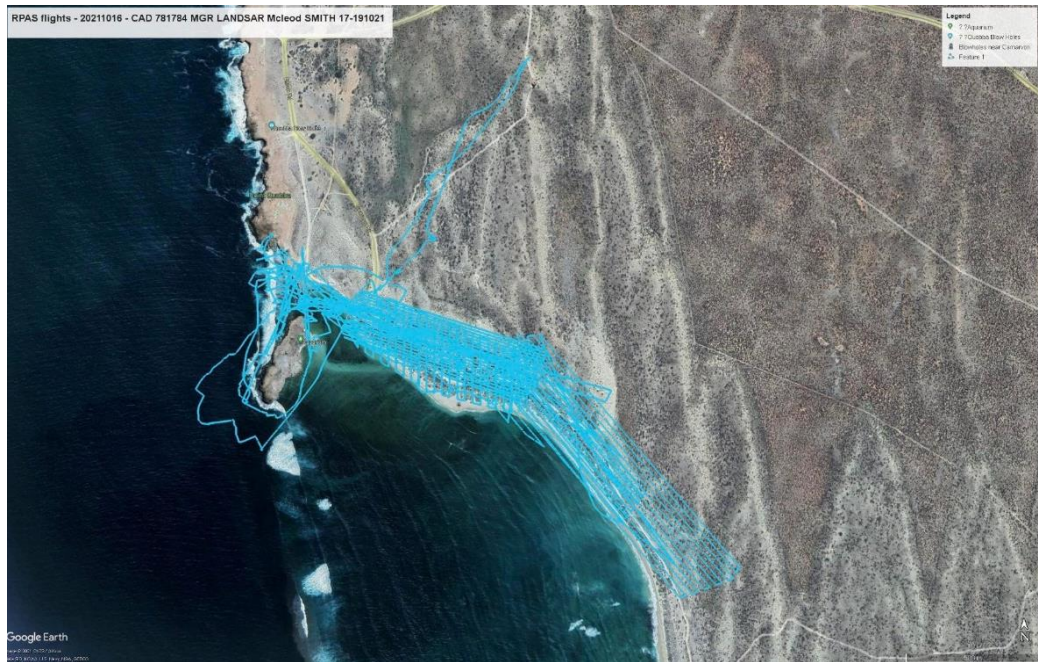
This is one of many weed control works the partnership has been able to help fund to reduce weeds in the future 15,000 hectare reserve.



[City of Hobart Council](#) even offer drone services (Government only) for photography, videography, inspections and mapping.

Police services throughout the country use RPAS (Remotely Piloted Aircraft Systems) for a variety of reasons. Pictured is a member from the WA Police RPAS team.





The image above was provided by a member of the WA Police RPAS team in November 2021. *Over the last few weeks our wonderful capability, RPAS, has been heavily utilised in the initial missing person search for a missing 4 year old, which then turned into an alleged abduction. To give you an idea, the first four days, where we had minimal assets on the ground, we were searching and mapping a potential crime scene. The following images show the first four days of effort. After that, it ramped up, and we managed to cover 100km of coastline and inland up a single 49km road. All completed with 2 x M300's (which are now requiring servicing). Disclaimer: search and rescue operations are completed with specific search patterns and a significant amount of science, testing and consistent reproduction of results to ensure when an area is cleared it doesn't have to be re-searched.*

The Environmental Protection Authority Victoria [operates a drone program](#).

EPA's Remotely Piloted Aircraft System (RPAS) program is commonly known as our 'drones program'. It's part of our Data Analytics and Intelligence unit within our Applied Sciences directorate.

Drones help with all types of investigations for **compliance and enforcement**. They allow us to search sites that are hard to reach or unsafe for vehicles or people to visit.

Through a range of technologies, our drones help us:

- work out the amount and type of waste on a site
- find 'hotspots' in landfills. Hotspots mean there is a risk of fire
- search for buried waste, using a ground penetrating radar.

The **Civil Aviation Safety Authority** (CASA) licenses EPA's drones. We follow all CASA regulations when using our drones.

Parks Victoria use drones to monitor pests, movement of animals and check nests.

Many Councils are encouraging residents and visitors to promote their area by contributing their photos for local calendar competitions, often with several drone shots making the final selection. Social media is huge!

Unmanned traffic management is the next big thing and [CASA continue to consult with all stakeholders](#). They are doing lots of forward thinking and planning which is great to see.

RPAS and AAM Roadmap Consultation

Feedback updated 15 Jun 2022

Closed 19 Apr 2022

Opened 8 Mar 2022

We asked

From 8 March to 19 April 2022, we sought feedback on the draft Remotely Piloted Aircraft Systems (RPAS) and Advanced Air Mobility (AAM) Strategic Regulatory Roadmap. The consultation asked industry if our approach to aviation safety regulations for drones and AAM over the next 10 years and beyond had been captured.

Contact

Remotely Piloted Aircraft Systems
131757

jess.ryan@casa.gov.au

This consultation has now closed, and a summary of feedback is provided below.

About this consultation

On 6 May 2021, the Department of Infrastructure, Transport, Regional Development and Communications released the National Emerging Aviation Technologies (NEAT) Policy Statement.

This statement tasked CASA with producing a safety regulatory roadmap RPAS and AAM.

CASA developed the initial roadmap with industry experts between July 2021 and January 2022 by setting up a technical working group under the Aviation Safety Advisory Panel.

You said

We received 109 responses to the consultation:

- Commercial Remotely Piloted Aircraft: 34
- Model aircraft: 26
- Training organisations: 4
- Industry associations: 4
- Government: 10
- Other aviation: 12
- Other: 19

We thank respondents for their contributions and feedback.

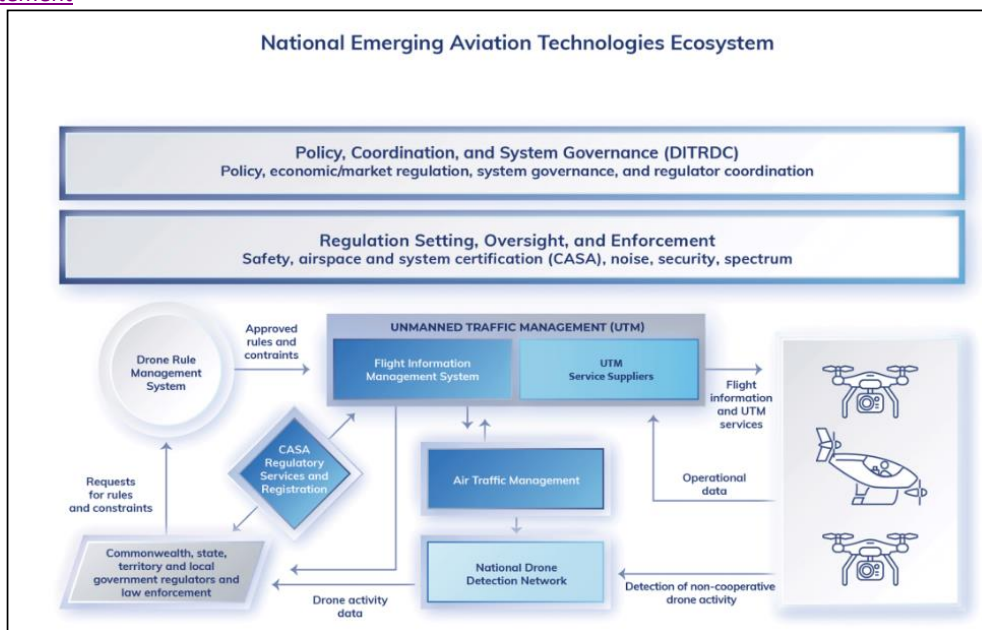
Summary of feedback

Responses were positive and constructive. The feedback we received revealed some common themes, including:

- the roadmap should be reviewed regularly to make sure it continues to reflect the needs of industry
- the timelines noted will not keep pace with the anticipated development of technology in these areas
- emergency services should be included as an individual use case
- the needs of the sports and recreation community were not addressed in the roadmap.

The Department of Infrastructure, Transport, Regional Development and Communications (which is a federal agency) is also currently working through drone rule management across all States and Territories of Australia to ensure regulations are uniform across Australia. You might be interested in the information here:

<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviation-technologies/neat-policy-statement>



Drone deliveries are being trialled in several locations around the country.

<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/aviation/emerging-aviation-technologies/drone-delivery-operations-australia>

Drone Delivery Operations–Australia



The Civil Aviation Safety Authority (CASA) has given approval to Wing Aviation Pty Ltd (Wing) and Swoop Aero Pty Ltd (Swoop Aero) to operate drone delivery services in Australia. Wing is operating in Gungahlin and Belconnen in the Australian Capital Territory, and in Logan in Queensland. Swoop Aero is operating in Goodiwindi in Queensland.

Both companies are certified drone operators, and all employees who operate drones hold remote pilot licences.

The aim is to see how drone delivery services work in practice and the effect they have on the community, to inform the Government's consideration of their use more widely.

Further information on CASA's safety approval process is available at www.casa.gov.au 

Under the [Air Navigation \(Aircraft Noise\) Regulations 2018](#) the department also undertook an assessment of both proposed operations.

Wing operations

Canberra operations

The department approved community demonstrations and delivery flights in Belconnen and Gungahlin between 31 March 2022 and 31 March 2023.

Operating conditions were placed on Wing's activities, including that the drone must only fly in daylight, but with the following additional restrictions:

- on weekdays, from 7.30am to 7.00pm
- on Saturdays, from 8.00am to 7.00pm
- on Sundays, from 9.00am to 7.00pm

← Emerging aviation technologies

Drone Delivery Operations– Australia

Emerging Aviation Technology
Partnerships Program

Flying Drones

Managing Drone Noise

NEAT Policy Statement

Sharing Your Views

Australian local councils really need to embrace and support the use of drones by adults and for children under supervision to experience drone flying in open spaces.

There are endless employment opportunities, but our up-and-coming drone pilots are being restricted by Councils with unnecessary permit requirements. A permit requirement will not negate drones being around as people would launch from other locations such as private property, roads, low tide on the beach etc. Allowing drones on Council land makes it easier and safer for everyone.

My recommendation for the **Nillumbik Shire Council** local law review is to **remove Clause 19 (f)**. Once an aircraft is in the air, it comes under CASA jurisdiction.

I also believe that **proposed Local Law Clause 59 would be discriminatory**. Whilst there are existing laws in place for the use of remotely controlled aircraft and drones, provided people follow CASA's rules, there is no reason why any drone flying member of the public should be required to hold a permit to use council reserves. Families and friends getting together, participants in sporting activities such as cricket, soccer, football and netball are groups of persons using public space, but aren't required to obtain a permit to use it. The camera on a drone should fall into the same category as an iPhone or camera and anyone is free to use both on Council land, so a permit requirement for drone photography is discriminatory.

Finally, CASA can make changes to legislation as and when it is required, whereas Council local laws, once set in place, are normally for a 10-year period and could potentially be voided as they may not keep up with the progression in federal legislation.

I notice that all the proposed permitted activities under Clause 19 aren't reflected in the [Local Law-Procedure and Protocol Manual 2022](#)

19. Activities which may be permitted in a Council reserve

A person must not, without a **permit**, in or on a **Council reserve**:

- (a) ride or drive a **vehicle** or horse except for -
 - (i) parking a **vehicle** in an area specified for the parking of **vehicles**;
 - (ii) wheeling a bicycle, pram, baby or child carriage, wheelchair or children's toy along a footpath;
 - (iii) riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the **Council reserve** by any other person;
 - (iv) on a **road** or bicycle path;
- (b) light a fire or allow any fire to remain alight except in a barbecue provided by the **Council**;
- (c) pitch, erect or occupy any camp, tent, caravan, mobile dwelling or any other temporary structure or camp in a **motor vehicle**;
- (d) hold a circus, carnival, festival, fete, or other event intended for members of the public to attend;
- (e) operate any device that has a purpose of amplifying voice, music or other noise;
- (f) operate, allow to be operated, any drone;
- (g) conduct a commercial fitness, exercise or personal training business;
- (h) use the Council reserve for a commercial purpose.

Activities which may be permitted in Council reserves

Local Law Clause Number 19

Purposes of the Clause

To permit the use of activities in council reserves with a permit

Applies to

All persons

Policy responsibility

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Administration

Manager Community Safety & Amenity

Manager Infrastructure Maintenance

Enforcement

Coordinator Community Safety & Amenity

Manager Infrastructure Maintenance

What public places are affected?

All council reserves

Who requires a permit?

All persons wanting to use a council reserve for the purpose of:

- Organising a sporting competition
- Holding a festival for the public to attend
- Organising a commercial fitness, exercise or personal training session
- Using a council reserve for any commercial purposes

Exemptions

An exemption to a permit for permitted activities in a council reserve would apply to the following:

- Council Staff and contractors
- Approved events
- Emergency Services

I welcome any questions you may have and thank you for taking the time to read my submission.

[REDACTED]

[REDACTED]

SUBMISSION [REDACTED]

Nillumbik Council,

Regarding Section 31 of Part 6 of the draft Local Laws (Permitted Animals):

We live in built-up Eltham and have had to put up with the constant noise produced by multiple roosters nearby that begin crowing constantly at 4am and do not stop until sometimes in the late evening. The noise has resulted in poor mental health due to disrupted sleep and inability to concentrate as myself and my partner must work from home throughout the week.

I am aware that the proposed local laws are that properties under 4000m² require a permit to keep a rooster, which will hopefully result in the majority of roosters removed. However, a short distance from our property is a small farm that houses one of the roosters. As they are on approximately 5000m², under the proposed laws they are permitted a rooster despite this property being surrounded by a built-up urban residential area.

On review of surrounding Council's rulings on roosters, almost all do not permit roosters under any circumstance. Banyule and Manningham, Council's which include suburbs similar to Eltham, do not permit roosters. Whittlesea Council specify that no roosters are permitted in urban residential areas. **Nillumbik is similar to Whittlesea as a Council that includes a range of built-up and sparse areas in which generalised laws should not apply to both. We ask that Nillumbik refine the laws to be more specific to the density of area.** Especially now that people are working from home and we cannot escape the noise, it is very inappropriate to allow roosters in urban built-up residential areas such as Eltham.

Kind Regards
[REDACTED]

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

From [REDACTED]

Proposed Local Law	Comment	Notice to Council
Nuisance	Most of the proposed local laws seem to be targeting nuisance behaviour. Problem is nuisance is not defined in the definitions section, and most of seeming nuisance laws breach existing state and Australian laws, are subjective, are not enforceable, and are successfully contestable if attempts are made to enforce them.	Include a definition of public nuisance, and private nuisance. Consider replacing most proposed nuisance laws with a single nuisance law.
Subjectivity	Most proposed local laws use terms like "unreasonable" "enjoyment" "detriment" "interfere" "offense" – they are all subjective terms and none of them are defined. I find many things offensive. This does not mean this should limit the rights of others to do them. Local laws need to protect rights and amenity. They currently do not.	Include definitions of all subjective terms. Consider using measurable words. Ensure each local law has been assessed in terms of Human Rights Charter Assessment These are two glaring gaps in current construction of local law. Ensure each local law complies with Local Government Act and does not duplicate Planning Scheme, emergency services legislation, Animal cruelty legislation, Competition policy reform legislation, and other Victorian and Australian laws. The lack of diligence in these areas makes these local laws vulnerable to successful challenge if enforcement is attempted.
16. Behaviour in or on Council Land	There is significant duplication across this local law as it is written. This local law is not consistent with principles of equity, inclusion, amenity, and enjoyment. There is also subjectivity in how this local law may be applied.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
17. Behaviour in Council Buildings	There are parts of this local law that is unenforceable, or ridiculous if it is enforced. There is subjectivity in this local law and its potential application.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
18. Activities prohibited in a Council Reserve	This local law says sporting surfaces are limited to organised sporting events. If this is the intent, can you please refund rates revenues used for development and maintenance of these surfaces shire wide. These can be paid for by organised sporting event participants.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
19. Activities may be permitted in Council Reserve	Previous feedback referred council to principles of equity, inclusion, amenity, and enjoyment have been ignored.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
20. Liquor	This local law is not able to be enforced.	Council appears confused as to the lawful scope of practice of Council Authorised Officers. This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. Council
21. Signs, goods, and furniture	This local law prohibits picnics without a permit. It is poorly constructed and not fit for purpose.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.

22. Open air performing and busking	This local law is purposefully discriminatory. It also duplicates what is already in the planning scheme.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
23. Spray Cans	This local law is anti-competitive and does not support local business.	This local law has the effect of encouraging residents away from local business. This is not consistent with the economic plan. It is not consistent with anti-competitive legislation. It will be successfully contested if challenged.
25. Charitable Collections	This local law is unenforceable by council. Social media is a public and local place. This law says any fundraising activity requires a permit.....how are council going to enforce this?	
26. Distribution of notices, advertising material and selling of goods	This local law has the effect of banning all identification signage in the Shire as it is written. This is a restraint of trade.	This local law has the effect of encouraging residents away from local business. This is not consistent with the economic plan. It will be successfully contested if challenged.
29. Scare Guns	This local law is a restraint of practice, is not enforceable, and does not respond to any identifiable problem.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced.
30. Excrement	Previous feedback referred council to principles of equity, inclusion, amenity, and enjoyment have been ignored, as has consideration of horse riders. This primarily impacts rural women.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose. I will not be complying with this local law if it is endorsed.
31. Keeping of animals	The Planning Scheme already includes aspects of this local law, and so it is largely unnecessary. This ignores feedback previously provided.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. I will continue to comply with the Planning Scheme.
32. Animal Buildings and Cleanliness	As already advised in previous feedback, most of this local law duplicates existing animal welfare laws in Victoria.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. I will continue to comply with the Animal Welfare legislation.
33. Animal Noise	As already advised, this local law is a bit like telling Melbourne Airport to make sure planes don't make noise. It's an invitation for serial nuisance elements to complain.	This local law in its current form is not fit for purpose.
34. Wild bird Feeding	As already advised, this local law is unenforceable. If the problem the local law is trying to solve is public or private nuisance, then this is the law that should be constructed.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose. I will not be complying with this local law if it is endorsed.
37. Alarms	As already advised, light emission is typically so things can be seen safely, not to cause a nuisance. This law is poorly considered and will require review.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose. The intent of lighting at our property is for security, visibility and safety. I will not be complying with this local law if it is endorsed.
38. Unsightly and dangerous land	As already advised, the largest shire wide perpetrator of unsightly dangerous land is local and state government. This local law is subjective, ignores feedback previously provided, and may create an insurance risk.	This local law in its current form is not fit for purpose unless council intends demonstrating leadership and comply with it. I will comply with requirements of the CFA, and my insurer. Council is not permitted on our property under any circumstances.
39. Obstruction to visibility	As already advised, the largest shire wide perpetrator of obstructions to visibility is local and state government.	This local law in its current form is not fit for purpose unless council intends to demonstrate leadership and comply with it.
40. Overhanging Vegetation	As already advised, the largest shire wide perpetrator of overhanging vegetation is local and state Government.	This local law in its current form is not fit for purpose unless council intends to demonstrate leadership and comply with it.

41. Chimneys and other nuisances	A chimney is not a nuisance. It is a way of smoke egressing homes so that residents in them can stay warm in winter. This local law is subjective and confused. It is unlikely to be enforceable. Parts of this law duplicate existing environmental quality legislation in Victoria.	Gender Equity Impact Assessment clearly inadequate. Review. This local law in its current form is not fit for purpose. I will not be complying with this local law if it is endorsed.
44. Open Air Burning and 45. Large fires and multiple fires	This local law seems to prohibit fire pits from use. This is a new restriction and limitation. This local law duplicates provisions in existing emergency management legislation. The definition of a large heap would benefit from review – 10sqm is not a very large pile.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. I will continue to comply with emergency services legislation.
47. Recreational Vehicles	This local law is new. It is none of council's business. On rural properties recreational vehicles are necessary to manage land. Their use, and purpose of this use, is none of council's business. These vehicles are insured, as are the properties they are used on. This use should never be the subject of a permit.	This local law is not fit for purpose. If endorsed, I will not be complying with it.
48. Toy vehicles	This local law is bizarre.	
52. Shipping Containers	This local law would not be required at all if the planning scheme permitted building of permanent shedding – but since it doesn't, the planning scheme allows shipping containers. We have two. We will not be applying for a permit for either of them, ever.	This local law is not fit for purpose. If endorsed, I will not be complying with it.
53. Protection of Amenity Trees	This local law duplicates provisions of the planning scheme, noting it imposes different definitions relating to measurement and size of vegetation. This local law is not consistent with bushfire overlay provisions within the planning scheme. This feedback has already been provided. The effect is it will be unable to be successfully enforced.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. I will continue to comply with emergency services legislation and law embedded in the planning scheme.
59. Actions affecting council land	This local law suggests nature strip maintenance is not lawful without a permit. This law is not consistent with bushfire management overlay provisions within the planning scheme. This feedback has already been provided. The effect is it will be unable to be successfully enforced. This law directly conflicts with Local Law 64.	This local law in its current form is not fit for purpose, and not consistent with Victorian and Australian legislation. It will be successfully contested if enforced. I will continue to comply with emergency services legislation and law embedded in the planning scheme. I will not apply for a permit to mow the nature strip, encourage council to maintain their landholdings shire wide, and will continue to remove weeds and ground fuel on the nature strip.
65. Vehicle crossings	We don't have vehicle crossings on our property and never have had. Is council going to construct some?	This local law in its current form is not fit for purpose and we will not be complying with it because it does not fit our circumstances.
66. Asset protection permits	We don't have assets requiring protection near us and never have had. We are exempted from the requirements of this permit.	This local law in its current form is not fit for purpose and we will not be complying with it because it does not fit our circumstances.
Part 10 Bend of Islands	Feedback has already been provided to council that this local law contradicts the Planning Scheme for this area and will not withstand scrutiny if attempts are made to enforce it.	This local law will be successfully challenged if enforced.
73. Identification of building sites	This is not a requirement of the Building Authority. It is unclear what the purpose or intent is. In our area it is superfluous. Building works not requiring a planning permit do not need to go through council for any reason, except this local law. It's mischief law.	This local law is irrelevant for our area.

To whom it may concern,

I would like to comment on the difficulties myself and my family have experienced with regards to the roosters in our neighbourhood of Crowe Ct in Eltham VIC 3095. The nearby roosters wake us up every morning at 4am, and do not stop crowing for hours at times. We live on 14m wide blocks and there is a farm 3 doors down that house their roosters at the edge of their boundary. There are at least 3 nearby roosters that disrupt our sleep and our work during the day, to the point that we are considering moving out of the neighbourhood, despite having only bought our house last year.

To combat the problem, we have tried using earplugs and have paid a huge deposit to upgrade our windows on that side of our property, but are still concerned that the problem will be ongoing and that we will not be able to enjoy peace and quiet that all other parts of Eltham can afford.

My partner works from home and cannot concentrate with constant crowing that wakes him up and that is a constant disruption during the day. I work as a registered nurse over the 24 hour period and find myself sleep deprived and concerned that I cannot care for those most vulnerable in our community without sufficient sleep. I am sometimes expected to work with minimal hours of sleep between shifts due to staff shortages during the pandemic, and therefore having quality sleep is so important. The roosters crow during the day and when I am on night duty, I cannot sleep even with all of our windows shut.

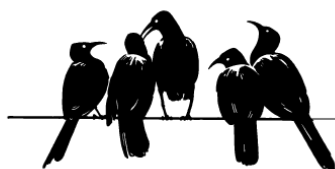
I am therefore hoping to not see any roosters allowed in Eltham and in other similarly populated areas of Nillumbik due to the fact that the majority of people in Eltham do not reside on farm blocks. We are concerned that the neighbours will be able to apply for a permit to keep their rooster/s and that we will be forced to move out of the neighbourhood completely due to the lack of peace and quiet.

The neighbouring councils such as Whittlesea shire council do not allow any roosters in any areas considered "urban residential" and Banyule council does not allow any roosters whatsoever.

We are hoping to see changes to the new proposed local laws that reflect the unfairness of roosters being allowed in areas that are predominantly residential areas and not rural/farm properties.

Kind regards,

[REDACTED]



B.I.C.A. Bend of Islands Conservation Association Inc.
PO Box 37 Kangaroo Ground Vic. 3097
Inc No. A11100

SUBMISSION TO NILLUMBIK SHIRE COUNCIL RE GENERAL LOCAL LAW 1 04/09/2022

INTRODUCTION

This submission has been prepared by the Bend of Islands Conservation Association (BICA). This association was established by the community in 1966. Its main objectives being: -

- the preservation and enhancement of the biodiversity of native flora and fauna within this area of natural beauty, consistent with essential community needs including fire precaution
- promotion of community understanding of the local ecology
- to work with other organisations with aims consistent with these objectives and to act for and on behalf of members in negotiations with public authorities and other organisations.

Our membership includes more than 70% of the landowners in the SUZ2

The notion of Residential Conservation was achieved for the area through the establishment of the initial **Environmental Living Zone (ELZ)** in the Shire of Healesville (SoH) IDO 1976, which was later converted to the current **Special Use Zone 2 – Environmental Living – Bend of Islands (ELZ or SUZ2)**, when the area was incorporated into the Shire of Nillumbik (SoN) in 1993.

BICA thanks Council for its efforts in the preparation of clause 67 of the General Local Law 1 (LL1). We support its introduction to facilitate more effective implementation of the SUZ2 planning provisions which have been specifically designed to protect our unique concept of Residential Conservation.

COMMENTS ON ISSUES RELATING TO CLAUSE 67 OF THE GENERAL LOCAL LAW 1

1. No changes to be made to the SUZ2 provisions or wording.

It is very important that the clauses of SUZ2, relating to Domestic Pets & Livestock, and other issues included in the Local Law, will not be removed from the SUZ2.

These provisions are fundamental to the intent/objectives of the SUZ2, and are clearly articulated within the current provisions of the SUZ2. They need to remain unchanged in the SUZ2

2. Animal Restrictions in the Bend of Islands

The Animal Restrictions are fundamental to the very basis and intent of the ELZ and this has been well known to all residents of the Bend of Islands (BoI) since 1976.

The intention of the unique SUZ2 planning provisions, that were introduced to protect the area **in 1976**, is ***that the keeping of domestic pets or livestock by residents and or/visitors, is prohibited.*** The scheme has always been administered on this basis, with the restrictions being applied to all properties in the SUZ2. Council is introducing the Local Law as a more effective way of administering these restrictions, but the restrictions are not new, they have been in place since 1976.

The overwhelming majority of BoI residents are passionate about the area, including the special Planning Provisions that have been designed to protect its environment whilst allowing residential

occupation. The community will be outraged if any new rights to have domestic pets are allowed after the scheme has been administered, as it has always been intended, for the last 40+ years.

We strongly support the inclusion of **Clause 67 Restriction on animals within Bend of Islands** in Nillumbik General Local Law 1, with the effect that the keeping of domestic pets or livestock by residents and or/visitors is prohibited, but anyone who currently lawfully has an existing pet, will be allowed to keep the pet until it dies.

3. Proposed Amendments to Clause 67 of the Draft General Local Law 1

- To better portray the environmental significance of the Bol, we recommend the following changes to the introductory paragraph: -

(1) The Bend of Islands is a unique area within the municipal district of Council. The ecology of the area is dominated with distinct understory vegetation of grasses, woody shrubs, orchids, vines and herbs. There are over **one hundred and eighty (180) plus species of birds, including two threatened species being the powerful and the barking owl and threatened species include the Powerful Owl and the Brush-tailed Phascogale.** The object of the local law is to prohibit the keeping of domestic ~~lets~~ pets including dogs and cats and domestic livestock within the area of **Bend of Islands Special Use Zone (SUZ2) – Environmental Living – Bend of Islands** to protect and preserve the unique ecology of the area.

- The definition of **Land** in Clause (6) needs to be amended.

The areas of the Bol (place name) and the SUZ2 (planning area) are different. Refer to the maps in <https://bendofislands.wordpress.com/contact-us/>.

The LL1 relates to the SUZ2 planning provisions, so the relevant area is the SUZ2 area. For clarity, it is better to delete the references to the Bend of Islands area, to avoid any confusion regarding Oxley Rd which is outside the Bend of Islands but inside the Special Use Zone 2.

The Oxley Rd area is an ecologically significant part of the SUZ2. It is immediately adjacent to Watsons Creek at its confluence with the Yarra River. This importance is highlighted by clause LR 15 of the Yarra Strategic Plan: -

LR 15 Ensure private land around the Watsons Creek confluence and Maroondah Aqueduct supports the habitat and biodiversity of the Warrandyte–Kinglake corridor.

The area of the Bol is not relevant to this Clause 67 of LL1, so its definition, along with Schedule 2, can be deleted.

We recommend the following amendment: -

(6) In this section –

Bend of Islands means the area hatched on the attached at Schedule 2 of this document.

domestic pet includes goats, horses, donkeys and dingoes.

Land means any land that is within or partly within the boundary of Bend of Islands as shown in the map in the Procedure and Protocol Manual.

Land means any land that is within or partly within the boundary of the Schedule 2 to the Special Use Zone (SUZ2) – Environmental Living – Bend of Islands.

4. Proposed Amendments to Procedure and Protocol Manual for Clause 67 of LL1

- To avoid any confusion due to the differences in the areas of the Bol (place name) and the SUZ2 (planning area), we recommend the following amendment to the clause relating to LL1 clause 67 in the Nillumbik General Local Law 1 - Procedure and Protocol Manual.

Purposes of the Clause

To regulate the prohibition of keeping domestic pets to protect and preserve the unique ecology within the area of Bend of Islands the Special Use Zone in Nillumbik

COMMENTS ON ISSUES RELATING TO CLAUSE 47 OF THE GENERAL LOCAL LAW 1

1. Prohibition of Trail-bikes or Motorised Toy Vehicles in the Bend of Islands

The use of Trail-bikes or Motorised Toy Vehicles is at odds with the intent/objectives of the SUZ2 and is completely inappropriate in the Bend of Islands, due to their potential to damage the natural environment

We recommend that this prohibition be implemented by the inclusion of the following additional clause in the **Criteria for issuing permits** section of the **Use of recreational vehicles** page, relating to Local Law Clause No 47, in the Nillumbik General Local Law 1 - Procedure and Protocol Manual: -

No permits will be issued for land within the Schedule 2 to the Special Use Zone (SUZ2) – Environmental Living – Bend of Islands

We again thank Council for its efforts in the preparation of the General Local Law 1, and confirm our support for it.

We look forward to its introduction in the hope that it will facilitate the more effective implementation of the SUZ2 planning provisions which are vital for the on-going preservation of the ELZ and its biodiversity.

Yours Faithfully,



Bend of Islands Conservation Association

04/09/2022



PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

September 2022

PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

Nillumbik Pro Active Landowners (PALS) Submission



This response to the Draft Local Law 1 proposed by Nillumbik Council follows our previous responses to the previous Draft Local Law documents submitted by PALs in July 2021 and December 2021.

The links to our initial submissions are below:

<https://www.dropbox.com/s/03mjs9645pfpviy/PALs%20submission%20to%20Local%20Law%20Review%20v2.pdf?dl=0>

<https://www.dropbox.com/s/e8aykcjckil4nly/Nillumbik%20PALS%20Submission%20on%20NSC%20Draft%20General%20Local%20Law%20December%202021.pdf?dl=0>

It appears that landowners are being given an apparent opportunity to assess and comment on this process - as protracted as it has been - our views and concerns remain to be comprehensively addressed.

Incredulous, as it seems that virtually nothing changes from each round of "consultation" to the next.

However, to re-establish some basic parameters PALs requote the guiding principles for the preparation of local laws, firstly as controlled by the Local Government Act 2020, and secondly, by Nillumbik Shire Council (NSC) controls that supposedly require answers in the affirmative to each standard in order to bring a proposed local law forward.

Section 72 of the Local Government Act 2020 states that:

- (a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or Regulations;
- (b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- (d) a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- (e) a local law must be consistent with the objectives of this Act or any other authorising Act

Nillumbik will only introduce Local Laws that conform to the following standards:

1. necessary
2. consistent (in language and effect)
3. compliant (with the legislation under which they are made and other legislative requirements)
4. enforceable
5. accessible
6. efficient
7. accountable
8. transparent
9. current.

PALs have assessed the relevant proposed Local Laws against each of the above parameters.

Acknowledgement

At the outset PALs acknowledge and welcome the statements by Council in the pre-amble to this Local Law process that accept the strong recommendations and statements made by PALs and others in relation to the following proposed local laws from earlier "consultations".

It is encouraging to believe that there are, at least some senior officers within the council structure that have an understanding of conflicts and reject ill informed, ideological positions of both green activists and the majority of Councillors who have scant understanding of any matters that relate to rural land and landholdings.

Consider a provision prohibiting the use of barbed wire as fencing in the municipality. Council could regulate, (not retrospective) i.e. this would only apply to new fences constructed, which adds to the complexity of enforcing this provision.	Following considerable community feedback both for and against this proposal, ultimately legal advice indicates that Council cannot regulate the use of barbed wire in most circumstances and the enforcement cost of such a provision would be prohibitive and beyond the limited resources of Council. No provision has been drafted.
Consider a provision that restricts the landing of helicopters away from existing approved landing sites.	The landing of helicopters is controlled by the Nillumbik Planning Scheme. These controls are considered sufficient, and a local law cannot override the planning scheme. No provision has been drafted.
Consider a restriction on the use of glyphosates and other harmful chemicals and/or prohibit the sale of glyphosates within the municipality.	Provisions banning the use or sale of glyphosates would be unenforceable and fail to satisfy the relevant criteria in the Local Government Act 2020. No provision has been drafted.

It is of major concern to PALs that any of the matters above even got to a point in the process that resulted in a proposed local law, albeit in an earlier form. It is incumbent upon Councillors to seek advice and be aware of the legality and/or suitability of any proposed regulatory imposition on rural landowners before progress to a formal proposal.

It is unfortunate for the Shire and its residents that this basic homework does not occur and this reflects poorly on the quality and competence of many of the elected Councillors.

ITEMS TAGGED IN RED FAIL TO PASS THE PARAMETERS SET BY COUNCIL / LGA ACT 2020

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
PROPOSED LOCAL LAW	LGA and/or COUNCIL STANDARD	COMMENTS
16. Behaviour in or on council land	FAIL 4. Enforceable 8. Transparent 9. Current	PALs supports this law but notes the gross negligence and ongoing reluctance to enforce this at Bouchiers Road / Yarra River. See 16(1), (d), (e), (g), (i)
18. Activities prohibited in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent 9. Current	See above. Council does not apply at Bouchiers Road despite long ongoing battle by local residents. See 18(k), (i), (ii)
19. Activities which may be permitted in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent	See above. Bouchiers Road. See 19(c), (h). With regard to (f) PALs agree with the principle of prohibiting drones over council land. This also applies to the use of drones over private land without the express permission of the relevant landowner/s. The use of drones is a gross infringement of privacy unless specific permission from the affected landowners is obtained. The potential for the use of drones as a surveillance mechanism by council and/or other levels of Government should make everyone scared. However, to suggest that this is enforceable is ridiculous . Drone operators can be kilometres away from where the drone is flying at the time. The policing and enforcement on this point alone is farcical. Even if council were to develop a squadron of attack drones capable of shooting down the offending drone, to bring them to earth, the tracing back to the drone pilot would still not be practical, nor even possible.
22. Open air performances and busking	FAIL 3. Compliant	Clause 53.06 of the NPS already addresses this issue. This is a direct duplication of planning controls that already exist.
30. Collection and disposal of animal excrement	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient	It is ridiculous in the extreme to expect owners of livestock to remove excrement on a public road. See 30(4).

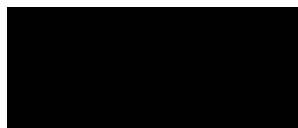
PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
31. Keeping animals 32. Animal buildings and cleanliness	FAIL 3. Compliant	Section 53.09 of the NPS covers, at least in part, the topic of poultry. This is a duplication of controls and is not lawful under the Local Government Act 2020.
33. Animal noise	FAIL 4. Enforceable	It is not possible to properly or effectively police this.
34. Feeding of Wild Birds	FAIL 4. Enforceable 6. Efficient	It is not possible to enforce nor is it an efficient use of officers' time. A ridiculous notion to think that this can be achieved. The vast majority of residents, particularly those on rural properties, are very responsible when it comes to any feeding of wild birds and, as such, it may be more detrimental to the birds to attempt to prohibit responsible feeding.
35. Bees and Wasps	FAIL 4. Enforceable 6. Efficient 7. Accountable	Whilst it is important to destroy European wasp infestations, this clause is too general. Native wasps are beneficial to the environment but residents may find it difficult to recognise the difference with non-native wasps. European wasp removal should be provided free of charge by council. This would encourage action and reporting by landowners.
37. Alarm systems	FAIL 1. Necessary 4. Enforceable 6. Efficient 7. Accountable	Alarms in vehicles are standard. Alarms in buildings are very common. Apart from faults or inadvertent triggering, an alarm is triggered for a reason – to alert owners or to dissuade intruders. It is unreasonable to place a "time" limit on alarms which could compromise safety and/or security of life and/or belongings. See (1). Lighting may be necessary for a range of reasons that may not be apparent to passersby or neighbours. What may be considered a nuisance to some may be necessary to others. See (2).

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
38. Unsightly and dangerous land	FAIL 1. Necessary 2. Consistent 3. Compliant 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>See (1)(b) The term “unsightly” is very subjective. Council has no authority to determine what is, or is not, unsightly. Council has an immense job looking after council / public lands without asserting authoritarian controls over what a landowner might have on their own private land. In relation to (2) the chutzpah of Council to place this type of control over private landowners when an absolute disgrace is the council neglect of council/public lands. The vast majority of rural landholdings are maintained to a much higher standard than council lands. This local law is also in direct conflict with planning and overlay controls with respect to vegetation removal. Therefore, if this local law is adopted PALs would recommend to landowners that these works can be undertaken without the need for a permit from council. With regard to (3) it is absurd in the extreme and displays the incompetence of council to suggest that if a landowner has weeds or excessive vegetation growth on their property, that a council enforcement officer can require a temporary fence to be constructed around the boundary.</p>
39. Obstruction to visibility	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>This is nonsense. What is a “clear view”, it is not defined. A “clear view” of what? So if a person walking along a road cannot see a “clear view” of a tree, landscape, mountain, valley, etc. due to the siting of a house, shed, garden, container, garage, etc. then that obstruction must be removed??? This is farcical.</p>
40. Overhanging and encroaching vegetation	FAIL 1. Necessary 2. Consistent 6. Efficient 7. Accountable 8. Transparent 9. Current	<p>PALs assume therefore that there is no vegetation that should be planted or maintained that is under 4 metres high on or near a boundary with either a road or council lands! What about the bush abutting rural roads? What about a situation where the road is in a cutting and is some metres below the property boundary? What about the preservation of the rural landscape that would merge vegetation within private lands with vegetation existing in the road reserve? This is much worthwhile vegetation that is less than 4 metres high.</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
41. Chimneys and other nuisances	FAIL 1. Necessary 2. Consistent 4. Enforceable 5. Accessible 6. Efficient 8. Transparent 9. Current	PALs concludes that all landowners that have a fireplace within their home or property must only purchase "reasonable" fuels? This is another absurd local law that it is almost beyond belief that it is even contemplated. With regard to (1) who determines what is unreasonable? When will it be determined? How can a fireplace only emit reasonable ashes, smoke and odour? How would it ever be enforced? With regard to (2)(a) who determines or decides what is a detrimentally affected amenity? With regard to (2)(b), does council seriously expect a landowner to forbid flies to enter their property on pain of punishment by a council "enforcement" officer? What is a "disease vector"? This is undefined.
43. Incinerators	FAIL 1. Necessary 6. Efficient	Why a blanket ban on incinerators? There are situations where incinerators may be useful in containing the extent of burning material.
44. Open air burning	FAIL 1. Necessary 6. Efficient	With regard to (1) there may be small scale situations where open air small burns on land less than 0.4 hectares is acceptable. Eg. Burning leaf litter and small ground fuels. PALs support (2) (a) – (k).
45. Large fires and multiple fires		PALs support this local law.
47. Use of recreational vehicles	FAIL 1. Necessary 2. Consistent 6. Efficient	The use of recreational vehicles on rural allotments should be permitted, perhaps with some as of right parameters. There also may be conflict with existing provisions of the NPS.
48. Toy vehicles	FAIL 1. Necessary 3. Compliant	This appears to be an overreaction and unnecessary. The issue of bicycles is also covered by Clause 52.34 of the NPS. This is a direct duplication of planning controls that already exist.
50. Identification of Premises	FAIL 1. Necessary	This appears to be overreaction and unnecessary as there may be legitimate circumstances where the display of a number is not necessary or not wanted.
51. Caravans, movable and temporary dwellings	FAIL 1. Necessary 6. Efficient 8. Transparent	This is an overreaction to an issue that causes no detrimental impacts. A caravan or tiny house can be located on private property without a permit. It has no practical or adverse effect if the caravan or tiny house is occupied or not.
52. Shipping containers	FAIL 1. Necessary 3. Compliant 4. Enforceable 7. Accountable	This proposed local law is in direct conflict with Clause 53.07 of the NPS. This is an extensive clause that sets out the requirements for containers. This is a direct duplication of planning controls that already exist.

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
53. Protection of Amenity Trees	FAIL 3. Compliant 4. Enforceable	Clause 52.17 of the NPS extensively covers the issues related to native vegetation. This proposed local law is in direct conflict with the many overlay controls that currently exist in the NPS. This is a direct duplication of existing planning controls and must be removed.
64. Protection of Vegetation	FAIL 2. Consistent 3. Compliant 6. Efficient 7. Accountable	<p>Clause 52.17 of the NPS extensively covers the issues related to native vegetation.</p> <p>This is a direct duplication of planning controls that already exist.</p> <p>Despite the above, PALs generally support this proposed local law, except that the items should be amended / expanded as follows:</p> <p>Amend: (c) removal of fine fuels (which include dry grass, leaves, twigs and loose bark). Delete remainder of wording.</p> <p>Add: (g) vegetation removal in accordance with a land management agreement between the adjoining landowner and Council as approved by Council.</p> <p>Add: (h) removal of any dead vegetation on the ground where it presents an increased risk of the spread of bushfire and any increased risk for the safe passage of residents and emergency services along affected lengths of the road reserve in the advent of a bushfire.</p>
65. Vehicle crossings	FAIL 1. Necessary 5. Accessible 6. Efficient 7. Accountable	Item (1)(b). There may be quite legitimate reasons within the rural areas for landowners to enter their land via farm gates and/or other points of access that are not the primary vehicle crossing entry point.
67. Restriction on animals within Bend of Islands	FAIL 3. Compliant 4. Enforceable	<p>SCHEDULE 2 TO THE SPECIAL USE ZONE</p> <p>Shown on the planning scheme map as SUZ2.</p> <p>ENVIRONMENTAL LIVING - BEND OF ISLANDS of the NPS extensively covers the issues related to matters relevant to this Special Use Zone.</p> <p>This is a direct duplication of planning controls that already exist and therefore must be removed from the Local Law document.</p>
76. Correction amendment, cancellation and suspension of a permit	FAIL 2. Consistent	<p>Item (3) should be reworded as follows:</p> <p>(3) Council must not cancel, suspend, or amend any permit at any time unless there is:</p> <p>(a) to (f).....</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
77. Fees and charges	FAIL 2. Consistent 7. Accountable	An additional preceding statement should be added: Council , if requested by the property owner, must provide acceptable written justification to the owner and the relevant Victorian Government Minister and/ or the delegated responsible Government officer prior to doing any of the following: 1) the Council may 2)
85. Right of Appeal	New Clause to be inserted	There is no mention of a right of Appeal in relation to any infringement notice or penalty issued by Council. INSERT: Any person, owner or recipient of any notice or infringement notice or enforcement notice has a right of Appeal against said notice. That Appeal may be made: 1) Initially to the Council, 2) If the above is not resolved to the satisfaction of the recipient, to VCAT.



Chair
Working Group
Nillumbik PALs

Draft Nillumbik General Local Law 1

[REDACTED]

"It is disappointing that this Council are wasting more time on the administrative process of draconial Local Laws and not listening to the Voice of Landowner's in the Nillumbik Shire. On many occasions over the last six years, Landowners have voiced their opinion on the dictatorship of this Council and them trying to 'lock up' our land and still more money and time is being wasted on 'so called' consultation. Listen to what you have been told. Listen to the recommendations made previously, listen to the expert advice you have previously received. Quit wasting everyone's time and put our Rates to good use, Roads and Rubbish."

According to Council the proposed Local Law is to:

- manage, control, regulate or prohibit certain activities occurring within the Nillumbik Shire - "very draconial words and suggestions for people who 'own' their land"
- improve the health and safety of residents and visitors to the Nillumbik Shire - "The forefront and core business of the Nillumbik Council should be the protections of human lives. This is clearly not addressed as you drive around Nillumbik and look at the fire fuel which is of a major threat to human lives."
- replace the revoked local laws with a single streamlined law which regulates activities that may result in potential adverse amenity impacts - "The new draft is not by any means streamlined and is instead dictating and controlling."
- introduce several new provisions to address new issues and identified deficiencies in the current local laws - "is the prevention of allowing landowners using 'recreational vehicles' on their own land to help manage and maintain their land an identified deficiency? Is landowners storing feed and equipment in shipping containers on their own land an 'identified deficiency'? Ridiculous and controlling once again"

In support of the comments made by PALs, the guiding principles for the preparation of Local Laws must consider the following to a propose such a Local Laws. Section 72 of the Local Government Act 2020 states that:

- (a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or Regulations;
- (b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- (d) a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- (e) a local law must be consistent with the objectives of this Act or any other authorising Act

"It is incumbent upon Councillors to seek advice and be aware of the legality and/or suitability of any proposed regulatory imposition on rural landowners before progress to a formal proposal."

It is very frustrating that we find ourselves in this position again and again and again.



PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

September 2022

PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

Nillumbik Pro Active Landowners (PALS) Submission



This response to the Draft Local Law 1 proposed by Nillumbik Council follows our previous responses to the previous Draft Local Law documents submitted by PALs in July 2021 and December 2021.

The links to our initial submissions are below:

<https://www.dropbox.com/s/03mjs9645pfpviy/PALs%20submission%20to%20Local%20Law%20Review%20v2.pdf?dl=0>

<https://www.dropbox.com/s/e8aykcjckil4nly/Nillumbik%20PALS%20Submission%20on%20NSC%20Draft%20General%20Local%20Law%20December%202021.pdf?dl=0>

It appears that landowners are being given an apparent opportunity to assess and comment on this process - as protracted as it has been - our views and concerns remain to be comprehensively addressed.

Incredulous, as it seems that virtually nothing changes from each round of "consultation" to the next.

However, to re-establish some basic parameters PALs requote the guiding principles for the preparation of local laws, firstly as controlled by the Local Government Act 2020, and secondly, by Nillumbik Shire Council (NSC) controls that supposedly require answers in the affirmative to each standard in order to bring a proposed local law forward.

Section 72 of the Local Government Act 2020 states that:

- (a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or Regulations;
- (b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- (d) a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- (e) a local law must be consistent with the objectives of this Act or any other authorising Act

Nillumbik will only introduce Local Laws that conform to the following standards:

1. necessary
2. consistent (in language and effect)
3. compliant (with the legislation under which they are made and other legislative requirements)
4. enforceable
5. accessible
6. efficient
7. accountable
8. transparent
9. current.

PALs have assessed the relevant proposed Local Laws against each of the above parameters.

Acknowledgement

At the outset PALs acknowledge and welcome the statements by Council in the pre-amble to this Local Law process that accept the strong recommendations and statements made by PALs and others in relation to the following proposed local laws from earlier "consultations".

It is encouraging to believe that there are, at least some senior officers within the council structure that have an understanding of conflicts and reject ill informed, ideological positions of both green activists and the majority of Councillors who have scant understanding of any matters that relate to rural land and landholdings.

Consider a provision prohibiting the use of barbed wire as fencing in the municipality. Council could regulate, (not retrospective) i.e. this would only apply to new fences constructed, which adds to the complexity of enforcing this provision.	Following considerable community feedback both for and against this proposal, ultimately legal advice indicates that Council cannot regulate the use of barbed wire in most circumstances and the enforcement cost of such a provision would be prohibitive and beyond the limited resources of Council. No provision has been drafted.
Consider a provision that restricts the landing of helicopters away from existing approved landing sites.	The landing of helicopters is controlled by the Nillumbik Planning Scheme. These controls are considered sufficient, and a local law cannot override the planning scheme. No provision has been drafted.
Consider a restriction on the use of glyphosates and other harmful chemicals and/or prohibit the sale of glyphosates within the municipality.	Provisions banning the use or sale of glyphosates would be unenforceable and fail to satisfy the relevant criteria in the Local Government Act 2020. No provision has been drafted.

It is of major concern to PALs that any of the matters above even got to a point in the process that resulted in a proposed local law, albeit in an earlier form. It is incumbent upon Councillors to seek advice and be aware of the legality and/or suitability of any proposed regulatory imposition on rural landowners before progress to a formal proposal.

It is unfortunate for the Shire and its residents that this basic homework does not occur and this reflects poorly on the quality and competence of many of the elected Councillors.

ITEMS TAGGED IN RED FAIL TO PASS THE PARAMETERS SET BY COUNCIL / LGA ACT 2020

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
PROPOSED LOCAL LAW	LGA and/or COUNCIL STANDARD	COMMENTS
16. Behaviour in or on council land	FAIL 4. Enforceable 8. Transparent 9. Current	PALs supports this law but notes the gross negligence and ongoing reluctance to enforce this at Bouchiers Road / Yarra River. See 16(1), (d), (e), (g), (i)
18. Activities prohibited in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent 9. Current	See above. Council does not apply at Bouchiers Road despite long ongoing battle by local residents. See 18(k), (i), (ii)
19. Activities which may be permitted in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent	See above. Bouchiers Road. See 19(c), (h). With regard to (f) PALs agree with the principle of prohibiting drones over council land. This also applies to the use of drones over private land without the express permission of the relevant landowner/s. The use of drones is a gross infringement of privacy unless specific permission from the affected landowners is obtained. The potential for the use of drones as a surveillance mechanism by council and/or other levels of Government should make everyone scared. However, to suggest that this is enforceable is ridiculous . Drone operators can be kilometres away from where the drone is flying at the time. The policing and enforcement on this point alone is farcical. Even if council were to develop a squadron of attack drones capable of shooting down the offending drone, to bring them to earth, the tracing back to the drone pilot would still not be practical, nor even possible.
22. Open air performances and busking	FAIL 3. Compliant	Clause 53.06 of the NPS already addresses this issue. This is a direct duplication of planning controls that already exist.
30. Collection and disposal of animal excrement	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient	It is ridiculous in the extreme to expect owners of livestock to remove excrement on a public road. See 30(4).

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
31. Keeping animals 32. Animal buildings and cleanliness	FAIL 3. Compliant	Section 53.09 of the NPS covers, at least in part, the topic of poultry. This is a duplication of controls and is not lawful under the Local Government Act 2020.
33. Animal noise	FAIL 4. Enforceable	It is not possible to properly or effectively police this.
34. Feeding of Wild Birds	FAIL 4. Enforceable 6. Efficient	It is not possible to enforce nor is it an efficient use of officers' time. A ridiculous notion to think that this can be achieved. The vast majority of residents, particularly those on rural properties, are very responsible when it comes to any feeding of wild birds and, as such, it may be more detrimental to the birds to attempt to prohibit responsible feeding.
35. Bees and Wasps	FAIL 4. Enforceable 6. Efficient 7. Accountable	Whilst it is important to destroy European wasp infestations, this clause is too general. Native wasps are beneficial to the environment but residents may find it difficult to recognise the difference with non-native wasps. European wasp removal should be provided free of charge by council. This would encourage action and reporting by landowners.
37. Alarm systems	FAIL 1. Necessary 4. Enforceable 6. Efficient 7. Accountable	Alarms in vehicles are standard. Alarms in buildings are very common. Apart from faults or inadvertent triggering, an alarm is triggered for a reason – to alert owners or to dissuade intruders. It is unreasonable to place a "time" limit on alarms which could compromise safety and/or security of life and/or belongings. See (1). Lighting may be necessary for a range of reasons that may not be apparent to passersby or neighbours. What may be considered a nuisance to some may be necessary to others. See (2).

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
38. Unsightly and dangerous land	FAIL 1. Necessary 2. Consistent 3. Compliant 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>See (1)(b) The term “unsightly” is very subjective. Council has no authority to determine what is, or is not, unsightly. Council has an immense job looking after council / public lands without asserting authoritarian controls over what a landowner might have on their own private land. In relation to (2) the chutzpah of Council to place this type of control over private landowners when an absolute disgrace is the council neglect of council/public lands. The vast majority of rural landholdings are maintained to a much higher standard than council lands. This local law is also in direct conflict with planning and overlay controls with respect to vegetation removal. Therefore, if this local law is adopted PALs would recommend to landowners that these works can be undertaken without the need for a permit from council. With regard to (3) it is absurd in the extreme and displays the incompetence of council to suggest that if a landowner has weeds or excessive vegetation growth on their property, that a council enforcement officer can require a temporary fence to be constructed around the boundary.</p>
39. Obstruction to visibility	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>This is nonsense. What is a “clear view”, it is not defined. A “clear view” of what? So if a person walking along a road cannot see a “clear view” of a tree, landscape, mountain, valley, etc. due to the siting of a house, shed, garden, container, garage, etc. then that obstruction must be removed??? This is farcical.</p>
40. Overhanging and encroaching vegetation	FAIL 1. Necessary 2. Consistent 6. Efficient 7. Accountable 8. Transparent 9. Current	<p>PALs assume therefore that there is no vegetation that should be planted or maintained that is under 4 metres high on or near a boundary with either a road or council lands! What about the bush abutting rural roads? What about a situation where the road is in a cutting and is some metres below the property boundary? What about the preservation of the rural landscape that would merge vegetation within private lands with vegetation existing in the road reserve? This is much worthwhile vegetation that is less than 4 metres high.</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
41. Chimneys and other nuisances	FAIL 1. Necessary 2. Consistent 4. Enforceable 5. Accessible 6. Efficient 8. Transparent 9. Current	PALs concludes that all landowners that have a fireplace within their home or property must only purchase "reasonable" fuels? This is another absurd local law that it is almost beyond belief that it is even contemplated. With regard to (1) who determines what is unreasonable? When will it be determined? How can a fireplace only emit reasonable ashes, smoke and odour? How would it ever be enforced? With regard to (2)(a) who determines or decides what is a detrimentally affected amenity? With regard to (2)(b), does council seriously expect a landowner to forbid flies to enter their property on pain of punishment by a council "enforcement" officer? What is a "disease vector"? This is undefined.
43. Incinerators	FAIL 1. Necessary 6. Efficient	Why a blanket ban on incinerators? There are situations where incinerators may be useful in containing the extent of burning material.
44. Open air burning	FAIL 1. Necessary 6. Efficient	With regard to (1) there may be small scale situations where open air small burns on land less than 0.4 hectares is acceptable. Eg. Burning leaf litter and small ground fuels. PALs support (2) (a) – (k).
45. Large fires and multiple fires		PALs support this local law.
47. Use of recreational vehicles	FAIL 1. Necessary 2. Consistent 6. Efficient	The use of recreational vehicles on rural allotments should be permitted, perhaps with some as of right parameters. There also may be conflict with existing provisions of the NPS.
48. Toy vehicles	FAIL 1. Necessary 3. Compliant	This appears to be an overreaction and unnecessary. The issue of bicycles is also covered by Clause 52.34 of the NPS. This is a direct duplication of planning controls that already exist.
50. Identification of Premises	FAIL 1. Necessary	This appears to be overreaction and unnecessary as there may be legitimate circumstances where the display of a number is not necessary or not wanted.
51. Caravans, movable and temporary dwellings	FAIL 1. Necessary 6. Efficient 8. Transparent	This is an overreaction to an issue that causes no detrimental impacts. A caravan or tiny house can be located on private property without a permit. It has no practical or adverse effect if the caravan or tiny house is occupied or not.
52. Shipping containers	FAIL 1. Necessary 3. Compliant 4. Enforceable 7. Accountable	This proposed local law is in direct conflict with Clause 53.07 of the NPS. This is an extensive clause that sets out the requirements for containers. This is a direct duplication of planning controls that already exist.

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
53. Protection of Amenity Trees	FAIL 3. Compliant 4. Enforceable	Clause 52.17 of the NPS extensively covers the issues related to native vegetation. This proposed local law is in direct conflict with the many overlay controls that currently exist in the NPS. This is a direct duplication of existing planning controls and must be removed.
64. Protection of Vegetation	FAIL 2. Consistent 3. Compliant 6. Efficient 7. Accountable	<p>Clause 52.17 of the NPS extensively covers the issues related to native vegetation.</p> <p>This is a direct duplication of planning controls that already exist.</p> <p>Despite the above, PALs generally support this proposed local law, except that the items should be amended / expanded as follows:</p> <p>Amend: (c) removal of fine fuels (which include dry grass, leaves, twigs and loose bark). Delete remainder of wording.</p> <p>Add: (g) vegetation removal in accordance with a land management agreement between the adjoining landowner and Council as approved by Council.</p> <p>Add: (h) removal of any dead vegetation on the ground where it presents an increased risk of the spread of bushfire and any increased risk for the safe passage of residents and emergency services along affected lengths of the road reserve in the advent of a bushfire.</p>
65. Vehicle crossings	FAIL 1. Necessary 5. Accessible 6. Efficient 7. Accountable	Item (1)(b). There may be quite legitimate reasons within the rural areas for landowners to enter their land via farm gates and/or other points of access that are not the primary vehicle crossing entry point.
67. Restriction on animals within Bend of Islands	FAIL 3. Compliant 4. Enforceable	<p>SCHEDULE 2 TO THE SPECIAL USE ZONE</p> <p>Shown on the planning scheme map as SUZ2.</p> <p>ENVIRONMENTAL LIVING - BEND OF ISLANDS of the NPS extensively covers the issues related to matters relevant to this Special Use Zone.</p> <p>This is a direct duplication of planning controls that already exist and therefore must be removed from the Local Law document.</p>
76. Correction amendment, cancellation and suspension of a permit	FAIL 2. Consistent	<p>Item (3) should be reworded as follows:</p> <p>(3) Council must not cancel, suspend, or amend any permit at any time unless there is:</p> <p>(a) to (f).....</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
77. Fees and charges	FAIL 2. Consistent 7. Accountable	An additional preceding statement should be added: Council , if requested by the property owner, must provide acceptable written justification to the owner and the relevant Victorian Government Minister and/ or the delegated responsible Government officer prior to doing any of the following: 1) the Council may 2)
85. Right of Appeal	New Clause to be inserted	There is no mention of a right of Appeal in relation to any infringement notice or penalty issued by Council. INSERT: Any person, owner or recipient of any notice or infringement notice or enforcement notice has a right of Appeal against said notice. That Appeal may be made: 1) Initially to the Council, 2) If the above is not resolved to the satisfaction of the recipient, to VCAT.



Chair
Working Group
Nillumbik PALs



PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

September 2022

PALs response to NILLUMBIK DRAFT LOCAL LAW RESPONSE THREE (3)

Nillumbik Pro Active Landowners (PALS) Submission



This response to the Draft Local Law 1 proposed by Nillumbik Council follows our previous responses to the previous Draft Local Law documents submitted by PALs in July 2021 and December 2021.

The links to our initial submissions are below:

<https://www.dropbox.com/s/03mjs9645pfpviy/PALs%20submission%20to%20Local%20Law%20Review%20v2.pdf?dl=0>

<https://www.dropbox.com/s/e8aykcjckil4nly/Nillumbik%20PALS%20Submission%20on%20NSC%20Draft%20General%20Local%20Law%20December%202021.pdf?dl=0>

It appears that landowners are being given an apparent opportunity to assess and comment on this process - as protracted as it has been - our views and concerns remain to be comprehensively addressed.

Incredulous, as it seems that virtually nothing changes from each round of "consultation" to the next.

However, to re-establish some basic parameters PALs requote the guiding principles for the preparation of local laws, firstly as controlled by the Local Government Act 2020, and secondly, by Nillumbik Shire Council (NSC) controls that supposedly require answers in the affirmative to each standard in order to bring a proposed local law forward.

Section 72 of the Local Government Act 2020 states that:

- (a) a local law must not be inconsistent with any Act (including the Charter of Human Rights and Responsibilities Act 2006) or Regulations;
- (b) a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- (d) a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- (e) a local law must be consistent with the objectives of this Act or any other authorising Act

Nillumbik will only introduce Local Laws that conform to the following standards:

1. necessary
2. consistent (in language and effect)
3. compliant (with the legislation under which they are made and other legislative requirements)
4. enforceable
5. accessible
6. efficient
7. accountable
8. transparent
9. current.

PALs have assessed the relevant proposed Local Laws against each of the above parameters.

Acknowledgement

At the outset PALs acknowledge and welcome the statements by Council in the pre-amble to this Local Law process that accept the strong recommendations and statements made by PALs and others in relation to the following proposed local laws from earlier "consultations".

It is encouraging to believe that there are, at least some senior officers within the council structure that have an understanding of conflicts and reject ill informed, ideological **positions** of both green activists and the majority of Councillors who have **scant** understanding of any matters that relate to rural land and landholdings.

Consider a provision prohibiting the use of barbed wire as fencing in the municipality. Council could regulate, (not retrospective) i.e. this would only apply to new fences constructed, which adds to the complexity of enforcing this provision.	Following considerable community feedback both for and against this proposal, ultimately legal advice indicates that Council cannot regulate the use of barbed wire in most circumstances and the enforcement cost of such a provision would be prohibitive and beyond the limited resources of Council. No provision has been drafted.
Consider a provision that restricts the landing of helicopters away from existing approved landing sites.	The landing of helicopters is controlled by the Nillumbik Planning Scheme. These controls are considered sufficient, and a local law cannot override the planning scheme. No provision has been drafted.
Consider a restriction on the use of glyphosates and other harmful chemicals and/or prohibit the sale of glyphosates within the municipality.	Provisions banning the use or sale of glyphosates would be unenforceable and fail to satisfy the relevant criteria in the Local Government Act 2020. No provision has been drafted.

It is of major concern to PALs that any of the matters above even got to a point in the process that resulted in a proposed local law, albeit in an earlier form. It is incumbent upon Councillors to seek advice and be aware of the legality and/or suitability of any **proposed regulatory imposition** on rural landowners before progress to a formal proposal.

It is unfortunate for the Shire and its residents that this basic homework does not occur and this reflects poorly on the quality **and competence** of many of the elected Councillors.

ITEMS TAGGED IN RED FAIL TO PASS THE PARAMETERS SET BY COUNCIL / LGA ACT 2020

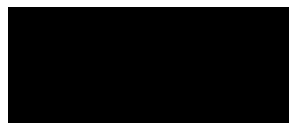
PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
PROPOSED LOCAL LAW	LGA and/or COUNCIL STANDARD	COMMENTS
16. Behaviour in or on council land	FAIL 4. Enforceable 8. Transparent 9. Current	PALs supports this law but notes the gross negligence and ongoing reluctance to enforce this at Bouchiers Road / Yarra River. See 16(1), (d), (e), (g), (i)
18. Activities prohibited in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent 9. Current	See above. Council does not apply at Bouchiers Road despite long ongoing battle by local residents. See 18(k), (i), (ii)
19. Activities which may be permitted in a Council reserve	FAIL 4. Enforceable 7. Accountable 8. Transparent	See above. Bouchiers Road. See 19(c), (h). With regard to (f) PALs agree with the principle of prohibiting drones over council land. This also applies to the use of drones over private land without the express permission of the relevant landowner/s. The use of drones is a gross infringement of privacy unless specific permission from the affected landowners is obtained. The potential for the use of drones as a surveillance mechanism by council and/or other levels of Government should make everyone scared. However, to suggest that this is enforceable is ridiculous . Drone operators can be kilometres away from where the drone is flying at the time. The policing and enforcement on this point alone is farcical. Even if council were to develop a squadron of attack drones capable of shooting down the offending drone, to bring them to earth, the tracing back to the drone pilot would still not be practical, nor even possible.
22. Open air performances and busking	FAIL 3. Compliant	Clause 53.06 of the NPS already addresses this issue. This is a direct duplication of planning controls that already exist.
30. Collection and disposal of animal excrement	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient	It is ridiculous in the extreme to expect owners of livestock to remove excrement on a public road. See 30(4).

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
38. Unsightly and dangerous land	FAIL 1. Necessary 2. Consistent 3. Compliant 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>See (1)(b) The term “unsightly” is very subjective. Council has no authority to determine what is, or is not, unsightly. Council has an immense job looking after council / public lands without asserting authoritarian controls over what a landowner might have on their own private land. In relation to (2) the chutzpah of Council to place this type of control over private landowners when an absolute disgrace is the council neglect of council/public lands. The vast majority of rural landholdings are maintained to a much higher standard than council lands. This local law is also in direct conflict with planning and overlay controls with respect to vegetation removal. Therefore, if this local law is adopted PALs would recommend to landowners that these works can be undertaken without the need for a permit from council. With regard to (3) it is absurd in the extreme and displays the incompetence of council to suggest that if a landowner has weeds or excessive vegetation growth on their property, that a council enforcement officer can require a temporary fence to be constructed around the boundary.</p>
39. Obstruction to visibility	FAIL 1. Necessary 2. Consistent 4. Enforceable 6. Efficient 7. Accountable 8. Transparent	<p>This is nonsense. What is a “clear view”, it is not defined. A “clear view” of what? So if a person walking along a road cannot see a “clear view” of a tree, landscape, mountain, valley, etc. due to the siting of a house, shed, garden, container, garage, etc. then that obstruction must be removed??? This is farcical.</p>
40. Overhanging and encroaching vegetation	FAIL 1. Necessary 2. Consistent 6. Efficient 7. Accountable 8. Transparent 9. Current	<p>PALs assume therefore that there is no vegetation that should be planted or maintained that is under 4 metres high on or near a boundary with either a road or council lands! What about the bush abutting rural roads? What about a situation where the road is in a cutting and is some metres below the property boundary? What about the preservation of the rural landscape that would merge vegetation within private lands with vegetation existing in the road reserve? This is much worthwhile vegetation that is less than 4 metres high.</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
41. Chimneys and other nuisances	FAIL 1. Necessary 2. Consistent 4. Enforceable 5. Accessible 6. Efficient 8. Transparent 9. Current	PALs concludes that all landowners that have a fireplace within their home or property must only purchase "reasonable" fuels? This is another absurd local law that it is almost beyond belief that it is even contemplated. With regard to (1) who determines what is unreasonable? When will it be determined? How can a fireplace only emit reasonable ashes, smoke and odour? How would it ever be enforced? With regard to (2)(a) who determines or decides what is a detrimentally affected amenity? With regard to (2)(b), does council seriously expect a landowner to forbid flies to enter their property on pain of punishment by a council "enforcement" officer? What is a "disease vector"? This is undefined.
43. Incinerators	FAIL 1. Necessary 6. Efficient	Why a blanket ban on incinerators? There are situations where incinerators may be useful in containing the extent of burning material.
44. Open air burning	FAIL 1. Necessary 6. Efficient	With regard to (1) there may be small scale situations where open air small burns on land less than 0.4 hectares is acceptable. Eg. Burning leaf litter and small ground fuels. PALs support (2) (a) – (k).
45. Large fires and multiple fires		PALs support this local law.
47. Use of recreational vehicles	FAIL 1. Necessary 2. Consistent 6. Efficient	The use of recreational vehicles on rural allotments should be permitted, perhaps with some as of right parameters. There also may be conflict with existing provisions of the NPS.
48. Toy vehicles	FAIL 1. Necessary 3. Compliant	This appears to be an overreaction and unnecessary. The issue of bicycles is also covered by Clause 52.34 of the NPS. This is a direct duplication of planning controls that already exist.
50. Identification of Premises	FAIL 1. Necessary	This appears to be overreaction and unnecessary as there may be legitimate circumstances where the display of a number is not necessary or not wanted.
51. Caravans, movable and temporary dwellings	FAIL 1. Necessary 6. Efficient 8. Transparent	This is an overreaction to an issue that causes no detrimental impacts. A caravan or tiny house can be located on private property without a permit. It has no practical or adverse effect if the caravan or tiny house is occupied or not.
52. Shipping containers	FAIL 1. Necessary 3. Compliant 4. Enforceable 7. Accountable	This proposed local law is in direct conflict with Clause 53.07 of the NPS. This is an extensive clause that sets out the requirements for containers. This is a direct duplication of planning controls that already exist.

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
53. Protection of Amenity Trees	FAIL 3. Compliant 4. Enforceable	Clause 52.17 of the NPS extensively covers the issues related to native vegetation. This proposed local law is in direct conflict with the many overlay controls that currently exist in the NPS. This is a direct duplication of existing planning controls and must be removed.
64. Protection of Vegetation	FAIL 2. Consistent 3. Compliant 6. Efficient 7. Accountable	<p>Clause 52.17 of the NPS extensively covers the issues related to native vegetation.</p> <p>This is a direct duplication of planning controls that already exist.</p> <p>Despite the above, PALs generally support this proposed local law, except that the items should be amended / expanded as follows:</p> <p>Amend: (c) removal of fine fuels (which include dry grass, leaves, twigs and loose bark). Delete remainder of wording.</p> <p>Add: (g) vegetation removal in accordance with a land management agreement between the adjoining landowner and Council as approved by Council.</p> <p>Add: (h) removal of any dead vegetation on the ground where it presents an increased risk of the spread of bushfire and any increased risk for the safe passage of residents and emergency services along affected lengths of the road reserve in the advent of a bushfire.</p>
65. Vehicle crossings	FAIL 1. Necessary 5. Accessible 6. Efficient 7. Accountable	Item (1)(b). There may be quite legitimate reasons within the rural areas for landowners to enter their land via farm gates and/or other points of access that are not the primary vehicle crossing entry point.
67. Restriction on animals within Bend of Islands	FAIL 3. Compliant 4. Enforceable	<p>SCHEDULE 2 TO THE SPECIAL USE ZONE</p> <p>Shown on the planning scheme map as SUZ2.</p> <p>ENVIRONMENTAL LIVING - BEND OF ISLANDS of the NPS extensively covers the issues related to matters relevant to this Special Use Zone.</p> <p>This is a direct duplication of planning controls that already exist and therefore must be removed from the Local Law document.</p>
76. Correction amendment, cancellation and suspension of a permit	FAIL 2. Consistent	<p>Item (3) should be reworded as follows:</p> <p>(3) Council must not cancel, suspend, or amend any permit at any time unless there is:</p> <p>(a) to (f).....</p>

PALs RESPONSE TABLE TO PROPOSED LOCAL LAWS		
77. Fees and charges	FAIL 2. Consistent 7. Accountable	An additional preceding statement should be added: Council , if requested by the property owner, must provide acceptable written justification to the owner and the relevant Victorian Government Minister and/ or the delegated responsible Government officer prior to doing any of the following: 1) the Council may 2)
85. Right of Appeal	New Clause to be inserted	There is no mention of a right of Appeal in relation to any infringement notice or penalty issued by Council. INSERT: Any person, owner or recipient of any notice or infringement notice or enforcement notice has a right of Appeal against said notice. That Appeal may be made: 1) Initially to the Council, 2) If the above is not resolved to the satisfaction of the recipient, to VCAT.



Chair
Working Group
Nillumbik PALs

SUBMISSION 15 -

Comments on 'Nillumbik
General Law 1'
December 2021

Clause	Comment	Reason	Action	Evidence
20(A)iii	How is "Riding a bicycle or horse in a manner that does not interfere with the use or enjoyment of the municipal reserve by any other person" defined	Is this subjective - and how would this be enforced? Will council officers be seen running along behind horse or bike riders trying to catch them? How about a 'code of conduct' or education on what you aretrying to implement with this, not a subjective item.	Delete	
20(d)ii	Single use plastics - this is an excellent idea - but the implementation is more tricky than the thought bubble.	How will this be implemented in practice? EG if a food vendor provides paper plates and even though advised otherwise provides a plastic fork, who is committing the offence? Is it the food vendor, the organiser (usually volunteers) or the consumer? I do not belive it is fair to penalise a volunteer (that will destroy community goodwill). This needs to be clarified.	Amend	
37. Animal Noise.	Does this apply to Boarding Kennels & Animal Shelters? If not, this should be extended to apply to boarding kennels, animal shelters and other similar facilities.	Operators of Kennels & Animal Shelters have hidden behind rural noise emissions exceptions for too long leaving dogs howling hour after hour at ratepayer health detriment. Council should consider this is a difficult area to police. Council is already not enforcing VCAT rulings already in place. State SEPP rules are complicated. They superseed council and council needs significant resources to enforce.	Amend	Refer Ward v Nillumbik SC [2015] VCAT 206 (3 March 2015)
38. Feeding of wild birds on private land	This requires significant rewording as it is not thought through well enough. Clauses 38 a) and b) describe feeding birds (non food specific). The explanatory note refers to 'white bread'. One could presume that the intent is to stop people from putting bird seed out but actually its not possible to tell the real intent. In addition, birds that land on fruit trees may gorge themselves (on for example, apples) - is that intended to be an offense too (ie growing an apple tree)?	This is not thought through. It is an item that is better suited to training and education that regulation. Enforcing this would rely on 'dob in a neighbour' - something that is counter to good and harmoneous communities.	Delete	
40. Bees and Wasps	40a)i) - a planning permit does not obviate the requirement to follow the Apiary code of Practice. This should be deleted. 40.b) A nuisance is subjective - and cannot reasonably be left here. This should be deleted and coverde by the apiary code of practice.	40a)i) is in conflict with the apiary code of practice and should be deleted. 40.b) is subjective and should be covered by the apiary code of practice and should be deleted.	Delete	
43. Unsightly Land	Does this apply to council land and if so will council be subject to penalties?	Council road reserves are often infested with Boneseed (an invasive weed) and other environmental weeds. How would 43.b)v) apply to this situation?	Delete	
44. Environmental Weeds	How does this clause apply to council land	Council road reserves are often infested with Boneseed (an invasive weed) and other environmental weeds. How would 44b) apply to this situation?	Delete / Amend	
46. Obstruction to visibility	How does this clause apply to council land	In rural areas of the shire, trees and vegetation on council land often obstruct clear visibility for drivers. How would 46. apply in this situation?	Amend	
48. Nuisance	48.d) Floodlighting. Will this apply to council properties?	Many council properties have floodlighting that more than exceeds this standard. Whilst the principle of limiting light spillage is good, it MUST equally appy to council properies as well. This would include football grounds, street lighing, tennis courts, halls, and otehr council properties.	Delete / Amend	

49. Containment and disposal of swimming pool wastewater	Not Required	This is covered by the EPA code of practice - Onsite Wastewater Management. The proposed wording is an inconsistent duplication of regulations that exist at a higher legal level	Delete	https://www.epa.vic.gov.au/-/media/epa/files/publications/891-4.pdf
51. Open Air Buring	Requires Revision	This requires revision to remove inconsistencies with the CFA & EPA rules covering burying off and most importantly remove duplication between the two such that the council specific rules are noted. The by laws as written are closer to a guidance note than bylaws as they attempt to aggregate a series of different rules from differnt places	Amend	CFA, EPA
53. Bulk Waste Containers	Amend to allow a 24 hour period for a bulk waste container to be emptied	Propose that 53a) be added to to allow for a 24 hour period for the waste bin to be emptied. It is normal and reasonable commercial practice to put mobile bulk waste bins outside of a security fence to be emptied by waste disposal companies early in the morning.	Amend	
57. Toy Vehicles	Note Required What is the issue that is attempting to be prevented here?	Rules covering what can and cant be done on roads are covered by vicroads. Toy cars on the road are an outright offence at a much higher level than council bylaws. Banning them on other locations is overreach.	Delete	https://www.vicroads.vic.gov.au/safety-and-road-rules/road-rules/a-to-z-of-road-rules/scooters-and-wheeled-recreational-devices
60 Caravans mobile and temporary dwellings	60d) requires that a caravan that had been lawfully used must be removed etc. What if the owner intends to use the caravan recreationally at other locations and it is simply beingf stored?	60d) needs rewording to allow a person to keep a caravan - just not live in it... !	Amend	
62. Shipping Containers	What conditions will be applied for the permits mentioned in a) and b)? This looks overly onerous.	Conditions for containers ought not be onerous. A planning permit costs potentially thousands of dollars, taking up to a year to obtain. Allotments larger than 4000m2 should be exept from this requirement.	Delete	
67. Recyclable Materials	67h) requires that recyclables are diverted to a recycling bin.	There is an inconsistecy in this in that public council bins are provided as a comingled general waste stream across the shire. If residents are to be penalised for mixing waste, then surely council should uphold the standard by having recycling stations at each public waste bin location?	Amend	
70. Dumping of refridgerators	This whole section is really 'how to do your hard waste' and should be in a brochure or training materials, not bylaws	This is a training and education item, not a bylaws item. Also, the wording is poor as if you did follow the clauses in a), b) & c), you can just dump your old fridge anywhere! Its definitely and education item.	Delete	
88. Building Site Fencing	Not Required	This is covered in the Occupational Health and Safety Act 2004. The proposed wording is an inconsistent duplication of regulations that exist at a higher legal level	Delete	https://www.worksafe.vic.gov.au/construction-site-security-fencing
89. Sanitary facilities on building sites	Not Required	This is fully covered in the Worksafe compliance code. The proposed wording is an inconsistent duplication of regulations that exist at a higher legal level	Delete	https://content.api.worksafe.vic.gov.au/sites/default/files/2020-02/ISBN-Compliance-code-facilities-in-construction-2018-03.pdf
90. Identification of Building Sites	Not Required	This is fully covered in the Building Regulations S41(2). The proposed wording is an inconsistent duplication of regulations that exist at a higher legal level.	Delete	https://www.legislation.vic.gov.au/in-force/statutory-rules/building-regulations-2018/013
92. Council May Issue Permits	A clause should be added to this that offers a service level agreement to fee paying customers. EG Permits will be issued within 1 business day of receipt by council.	Service level agreements are a sign of professionalism and respect. Just as the bylaws attempt to shape ratepayer behaviour, they should attempt to improve the professionalim of council. Its is not valid to hide behind staffing issues etc in the same way as its not valid to say that a parking fine is not valid becuae 'I am running late'. Make it reasonable and deliver - and be proud of being more professional	Amend	

96. Notice to comply	This should be reworded such that penalties are the last resort. There should be a balance of carrot and stick - and working with ratepayers (who fund the council) rather than penalising is more likely to influence stronger communites and civic pride.	Penalties drive wedges between council officers and ratepayers. An informative consultative approach to enforcemnt to help with compliance is more likely to result in better communities that a fear based penalty driven system. Financial penalties should not be seen as a valid source of income, rather a failure of council and ratepayers to have a common understanding and communication.	Amend	
100. Discretionary powers	This should be reworded such that the steps i. - vi. are followed in order unless there is an immediate risk to life, limb or the environment.		Amend	

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK